

95 00850

SAN FRANCISCANS FOR CHARTER REFORM YES ON PROPOSITION E

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League of Women Voters
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National Women's Political Caucus
S.F. Police Officers Association
Commission on the Status of Women
SPUR
San Francisco Chamber of Commerce
S.F. Black Chamber of Commerce
S.F. Chinese Chamber of Commerce
S.F. Hispanic Chamber of Commerce
Council of District Merchants
A.I.A. S.F. Chapter
Alice B. Toklas Lesbian & Gay Demo. Club
Harvey Milk Lesbian/Gay Demo. Club
Raoul Wallenberg Jewish Demo. Club
RFK Democratic Club
District 7 Democratic Club
District 8 Democratic Club
Noe Valley Democratic Club
Latino Democratic Club
Frederick Douglas Symposium
Mexican American Political Association
North Beach Neighbors
Russian Hill Neighbors
New Mission Terrace Neighborhood Assn.
Sunset/Parkside Ed. & Action Comm.
Asian Pacific Demo. Club
San Francisco Tomorrow

(Partial List)

October 13, 1995

Dear Friend,

Thank you for your interest in Charter Reform. Enclosed is a copy of the Charter proposal, fact sheet and a copy of an editorial from a recent issue of the *San Francisco Examiner*.

The New Charter is the result of a 1993 voter mandate that required substantial structural changes to our city's government. It is a simple, clearly-written blueprint for more effective, accountable and democratic government.

The enclosed materials summarize many of the benefits of the New Charter.

On Tuesday, November 7th, please make sure you vote "Yes" on Proposition E, the Charter Reform measure.

Thanks again.

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OCT 13 1995

UNIVERSITY OF CALIFORNIA

SAN FRANCISCANS FOR CHARTER REFORM • YES ON PROPOSITION E COMMITTEE
CLAUDINE CHENG, TREASURER • ID# 951140



Three REASONS TO VOTE FOR CHARTER REFORM

1. A new charter: a new day for San Francisco.

No other city in America has chosen to duplicate San Francisco's structure of government. And for good reason. Our 1932 Charter puts no one in charge of the government. San Francisco splits the authority for managing city government between the Mayor and an unelected Chief Administrative Officer. Add to this post dozens of autonomous commissions which directly manage many departments and several elected officials operating others, and you end up with 58 separate governments. The result is inefficiency, confusion and squandered tax dollars.

The City has lost millions of dollars as a result of cost overruns on public works projects, but under the current system, no one can be held directly responsible. Independent studies have shown that several City departments provide duplicate or overlapping services. Bureaucrats frequently make decisions that cannot be changed by elected officials. The City bureaucracy, with more than 24,000 employees, costs more per capita than any other local government in California. In this time of budget crisis, the Charter actually impedes the delivery of public service.

The Charter has been amended hundreds of times. It is 370 pages and growing. The government, as it was set up 63 years ago, does not deal efficiently with the complex problems of today. We need an accountable city government. We need structural reform and streamlining, and that begins with a charter for the 1990's.

The New City Charter was crafted after two years of hard work and extensive public participation from hundreds of San Franciscans. Under the leadership of Supervisors Barbara Kaufman, Susan Leal, and Mabel Teng, the new charter is a dynamic document that will achieve real reform. The time for Charter reform is now.

2. Thin out the bureaucracy, eliminate duplication, save money.

The New Charter will:

- Enable the Mayor to reorganize and streamline city government functions.
- Save millions of taxpayer dollars by eliminating duplicate services, overlapping jurisdictions and repetitive administrative functions.
- Consolidate the Assessor's and Recorder's offices for greater efficiency.
- Consolidate five existing departments into a Department of Administrative Services.
- Unify the executive branches into one by eliminating the CAO (Chief Administrative Office) – an unelected bureaucrat – who cannot be fired – and replacing it with a professional City Administrator reporting to the Mayor.

3. Accountability and responsibility: where the buck stops...

Under the New Charter, accountability and responsibility go hand in hand:

- The City Administrator will report to the Mayor and will be held accountable for all of his or her actions.
- The Mayor will have: increased authority over the Department of Public Works; authority to submit legislation to the Board of Supervisors; the ability to work with a department to solve problems; the ability to reorganize the government for efficiency; and the ability to hire department heads and to seek their removal when they fail to perform in the public interest.
- Supervisors will have authority to: require multi-year budgets, speak before and work with the city Commissions, create an audit committee of the Board of Supervisors to scrutinize the management, finances, and operations of city departments and streamline the cumbersome budget system.
- Establish an audit procedure for the Board of Supervisors to create greater fiscal oversight of city operations.

**Yes on Proposition E. For A Government We Can Afford.
A Better Charter, A Better City.**



TO THE BOARD OF DIRECTORS

OF THE CITY OF LOS ANGELES

FOR THE YEAR 1991

THE BOARD OF DIRECTORS OF THE CITY OF LOS ANGELES

DOES HEREBY RESOLVE THAT THE CITY OF LOS ANGELES

SHALL PAY TO THE CITY OF LOS ANGELES

THE SUM OF \$1,000,000.00

FOR THE YEAR 1991

IN FULL PAYMENT OF THE

DEBT OF THE CITY OF LOS ANGELES

FOR THE YEAR 1991

IN FULL PAYMENT OF THE

DEBT OF THE CITY OF LOS ANGELES

FOR THE YEAR 1991

IN FULL PAYMENT OF THE

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FOR THE YEAR 1991

IN FULL PAYMENT OF THE

DEBT OF THE CITY OF LOS ANGELES

FOR THE YEAR 1991

IN FULL PAYMENT OF THE

DEBT OF THE CITY OF LOS ANGELES

FOR THE YEAR 1991

San Francisco Examiner

July 30, 1995

Making more sense of S.F.

Supervisors at last put City Charter reform before voters;
plan improves accountability, discards anachronisms

BETTER LATE than never, the Board of Supervisors has done what it should have done a year ago, voting 9-1 to submit a sensibly updated City Charter for voter approval in November. The revised and much-shortened document (82 pages instead of the 370 pages now in the confusingly amended 1932 Charter) seems to go a long way toward making The City's governance as efficient and democratic as it should be.

The ballot proposal is based on the commendable work of a select committee of the board composed of Supervisors Barbara Kaufman (the chair), Susan Leal and Mabel Teng, which consulted extensively with citizen organizations. The plan calls for moderate — not radical — change and is based on a broad consensus of what thoughtful people think will improve the workings of City Hall.

The only board vote against sending the proposal to the voters was cast by Supervisor Sue Bierman, who complained it would turn the independent Chief Administrative Officer (CAO) — appointed with a 10-year term to run a few city departments — “into a deputy mayor.” Supervisor Angela Alioto, a mayoral candidate, consented to putting the plan on the ballot but said she would vote against it because it takes “power away from the people” — a mystifying

observation since the Charter writers sought to clarify the authority of elected officials over appointed office-holders.

One of the proposed Charter's chief virtues is to convert the under-utilized CAO into a City Administrator working, at the mayor's direction, with the whole range of city departments. The present split of responsibility for functions, between elected mayor and appointed CAO (the latter not directly answerable to voters), makes little sense and spawns costly confusion among departments. And the CAO's area of responsibility has diminished in recent years, losing important jurisdiction like that over health and building inspection, in piecemeal, voter-approved reorganizations.

The Charter revision, while keeping the traditional commissions valued by some citizens for their access to government, would generally clarify lines of authority from voters to top officialdom. Bureaucrats would lose some free-wheeling power in the cause of democratic accountability. The Board of Supervisors would be more equal to the mayor in the budget process.

Room for improvement undoubtedly will be found, and the amendment process will continue to be available for beneficial changes in future years. But the current proposal for modernizing the 63-year-old Charter has much to offer voters hoping for a more effective city government.

File No. 281-94-1

ORIGINAL
When Stamped In Red

FOURTH DRAFT, as
ordered submitted,
7/24/95

THE CHARTER OF
THE CITY AND COUNTY OF
SAN FRANCISCO :

*[proposal submitted
to the voters, Nov. 1995].*

THE CITY AND COUNTY OF
SAN FRANCISCO



THE BOARD OF SUPERVISORS
OF THE CITY AND COUNTY OF
SAN FRANCISCO

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Preamble

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all persons and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; to provide for accountability and ethics in public service; to foster social harmony and cohesion; and to assure equality of opportunity for every resident:

We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law of the City and County.

Article I: Existence and Powers of the City and County

SEC. 1.100. NAME AND BOUNDARIES.

The City and County of San Francisco shall continue as a consolidated city and county with such boundaries as are prescribed by law, pursuant to this Charter and the laws of the State of California.

SEC. 1.101. RIGHTS AND POWERS.

The City and County of San Francisco may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. The City and County may make and enforce within its limits all local police, sanitary and other ordinances and regulations. The City and County may appear, sue and defend in all courts in all matters and proceedings.

All rights and powers of a city and county which are not vested in another officer or entity by this Charter shall be exercised by the Board of Supervisors.

Article II: Legislative Branch

SEC. 2.100. COMPOSITION AND SALARY.

The Board of Supervisors shall consist of eleven members elected at large. Members of the Board shall be paid a salary of \$23,924.

SEC. 2.101. TERM OF OFFICE.

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

SEC. 2.102. VACANCIES.

If a vacancy shall exist on the Board of Supervisors because of the death, resignation, permanent disability or the inability of a member to otherwise carry out the responsibilities of the office, the Mayor shall appoint a qualified successor. Should more than 29 months remain in the unexpired term, the appointee shall serve until the next general municipal or statewide election occurring not less than 120 days after the appointment, at which time an election shall be held to fill the unexpired term.

SEC. 2.103. MEETINGS.

The Board of Supervisors shall meet at the legislative chambers in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by resolution.

The meetings of the Board shall be held in City Hall, provided that, in case of emergency, the Board, by resolution, may designate some other appropriate place as its temporary meeting place.

Notice of any special meeting shall be published at least 24 hours in advance of such special meeting.

The Board of Supervisors, by motion, may schedule special meetings of the Board in locations in San Francisco other than City Hall. Notice of special meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings. Motions to schedule special meetings of the Board in locations in San Francisco other than City Hall shall first be introduced and referred to a committee of the Board for hearing and consideration.

The Board of Supervisors, by motion, may authorize a committee of the Board of Supervisors to schedule a special meeting of the committee of the Board in a location in San Francisco other than City Hall. Notice of special committee meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings.

~~Special meetings shall be called in the manner established by the Board of Supervisors. With proper notice, as prescribed by ordinance, the Board of Supervisors or Board committees may hold meetings in locations other than City Hall.~~

SEC. 2.104. QUORUM.

The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other vote of all members of the Board. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

SEC. 2.105. ORDINANCES AND RESOLUTIONS.

The Board of Supervisors shall meet and transact its business according to rules which it shall adopt.

The Board of Supervisors shall act only by written ordinance or resolution, except that it may act by motion on matters over which the Board of Supervisors has exclusive jurisdiction. All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before the Board of Supervisors by a member of the Board, a committee of the Board or the Mayor, and shall be referred to and reported upon by an appropriate committee of the Board. An ordinance or resolution may be prepared in committee and reported out to the full Board for action, consistent with the public notice laws of the City. Except as otherwise provided in this Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of the members of the Board.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriations with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance.

Except as otherwise provided in Section 2.107, passage of an ordinance shall require two readings at separate meetings of the Board of Supervisors, which shall be held at least five days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to final passage. Resolutions shall require only one reading and may be adopted upon introduction without reference to committee by unanimous affirmative vote of the members of the Board of Supervisors who are present, but in no event less than a quorum.

All ordinances shall take effect no sooner than 30 days following the date of passage except for ordinances not subject to referendum and those authorizing bonded indebtedness and lease financings, which shall take effect immediately. Ordinances granting franchises shall take effect no sooner than 60 days after passage. No ordinance granting a franchise may be passed within 90 days of its introduction. Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions.

SEC. 2.106. VETO OVERRIDE.

The Board of Supervisors may enact an ordinance or resolution which has been vetoed by the Mayor pursuant to Section 3.103 if, within 30 days after such veto, not less than two-thirds of the Board of Supervisors shall vote in favor of such measure, except as provided in Section 9.104. If a larger vote is required for the adoption of the measure by provisions of this Charter, such larger vote shall be required to overcome the veto of the Mayor.

SEC. 2.107. EMERGENCY ORDINANCES.

An emergency ordinance may be passed in cases of public emergency affecting life, health, property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations as established by law. Emergency ordinances shall require only one reading, and the affirmative vote of two-thirds of the Board of Supervisors shall be required for the passage of an emergency ordinance.

The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally. In addition, an emergency ordinance shall contain:

1. A declaration setting forth the existence of the emergency;
2. A clear and concise description thereof; and
3. An explanation of how the measures in the ordinance will address the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate on the 61st day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment. Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

An emergency ordinance may suspend specific sections of this Charter, but may not: levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; set salaries; issue bonds; or buy, sell or lease land.

SEC. 2.108. PUBLIC'S RIGHT TO KNOW.

The Board of Supervisors shall adopt and maintain a Sunshine Ordinance to liberally provide for the public's access to their government meetings, documents and records.

The Clerk of the Board of Supervisors shall keep a permanent public record of the proceedings of the Board showing all action considered and taken, the text of ordinances and resolutions voted upon and the vote of each member of the Board regarding any matter before the Board. The Clerk of the Board shall cause the text of all ordinances or resolutions passed by the Board to be readily available to the public.

A written calendar of the business scheduled for each meeting of the Board of Supervisors or any standing or special committee comprised of Board members and established by the Board shall be prepared and available to the public before each meeting. Summaries of board and committee calendar items of general public interest, as determined by the Clerk of the Board, and a statement of where and when copies of proposed ordinances and resolutions may be obtained, shall be published commencing at least 36 hours before the commencement time of each regular meeting and at least 18 hours before the commencement time of each special meeting.

Except as otherwise provided in this Charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within five days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the Clerk of the Board. Each ordinance required to be included in the municipal code shall be printed promptly after final passage, and copies shall be made available to the public.

All ordinances, after final passage or upon their becoming effective shall be certified by the Clerk of the Board and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in a like manner. Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted, together with a statement of where copies may be obtained, shall be published once within five days of such passage for second reading, final passage, or adoption.

SEC. 2.109. RATES, FEES AND SIMILAR CHARGES.

Within 30 days of submission by the Mayor, the Board of Supervisors shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, board or commission, except those rates, fees and similar charges established by the Port or Airport Commissions, or under the Refuse Collection and Disposal Ordinance of November 8, 1932, as amended.

SEC. 2.110. SALE OR LEASE OF REAL PROPERTY.

Any lease of real property for a period of ten or more years, including options to renew, under which the City and County is a lessor, and any sale or other transfer of real property owned by the City and County, shall be approved by resolution of the Board of Supervisors, prior to such lease or sale. Leases of property under the jurisdiction of the Port Commission for maritime use shall be exempt from the requirements of this section.

SEC. 2.111. ABANDONMENT OF TRANSIT ROUTES.

Any abandonment of a transit route by any department of the City and County shall be reviewed for approval or rejection by the Board of Supervisors in a manner prescribed by ordinance.

SEC. 2.112. FIDELITY BONDS.

The Board of Supervisors shall determine which officials of the City and County shall be required to post fidelity bonds and the respective amounts of any such bonds. An annual review of bonding requirements shall be conducted by the Board of Supervisors.

SEC. 2.113. LEGISLATIVE INITIATIVE.

The Board of Supervisors, or four or more members, may submit to the voters declarations of policy, and any matter which the Board of Supervisors is empowered to pass.

Upon approval by the voters, the Board of Supervisors shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declarations of policy into effect. A special municipal election shall not be called with respect to a declaration of policy.

SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned, or their designees.

Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective boards and commissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Notwithstanding any other provisions of this section, it shall not constitute prohibited interference for a member of the Board of Supervisors to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a City board, commission, task force or other appointive body, or for the Board of Supervisors to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

Violation of this section shall constitute official misconduct.

SEC. 2.115. FINANCIAL AUDIT.

The Board of Supervisors shall select a firm or firms of independent accountants to audit and report upon the annual financial statements of the City and County.

SEC. 2.116. PRESIDENT OF THE BOARD OF SUPERVISORS.

At its regular meeting on the eighth day of January in odd-numbered years, the position of President of the Board of Supervisors shall be assumed by the member who received the highest number of votes at the last preceding Supervisorial election. If a vacancy in the office of President of the Board of Supervisors shall occur prior to the end of the term, the Board of Supervisors shall elect one of its members to fill the unexpired portion of the term. The President shall preside at all meetings, appoint all standing and special committees, assign legislation to committees, and have such other powers and duties as may be assigned by the Board of Supervisors.

SEC. 2.117. OFFICES OF THE BOARD OF SUPERVISORS.

Each member of the Board of Supervisors shall have two staff members pursuant to Section 10.104. The Board of Supervisors shall appoint a Clerk of the Board. The Clerk of the Board shall have charge of the office and records of the Board and its committees and its classified staff. The Clerk shall keep a public record of the proceedings of the board as provided by Section 2.108 of this Charter and shall keep properly indexed files of all ordinances and resolutions. The Clerk shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the Board for which publication is specified. The Clerk shall have such other duties and responsibilities as the Board of Supervisors may prescribe.

The Board of Supervisors shall appoint and may remove a Budget Analyst and such appointment shall be made solely on the basis of qualifications by education, training and experience for the position to be filled. The Budget Analyst shall be responsible for such duties as the Board of Supervisors shall prescribe.

Article III: Executive Branch-Office of Mayor

SEC. 3.100. POWERS AND RESPONSIBILITIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;

2. Coordination of all intergovernmental activities of the City and County;

3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;

5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;

6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;

7. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and

8. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

9. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;

10. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

11. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads or employees of departments placed under his or her direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;

12. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

13. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements for the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

14. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

15. Submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;

16. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

17. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

18. Appoint department heads subject to the provisions of this Charter; and

19. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

SEC. 3.101. TERM OF OFFICE.

The Mayor shall serve a four-year term. No person shall serve as mayor for more than two successive terms. A part of a term that exceeds two years shall count as a full term. There shall be no limit on the non-successive terms that a person may serve.

SEC. 3.102. VACANCIES.

If the Mayor is absent from the state or temporarily disabled without designating an Acting Mayor, the President of the Board of Supervisors shall act as Mayor until such time as the Mayor shall return to office.

If the Office of Mayor should become vacant because of death, resignation, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected by the Board of Supervisors. Should more than 29 months remain in the unexpired term of the Mayor, the successor elected by the Board of Supervisors shall serve until the next general municipal or statewide election occurring not less than 120 days after the Board's action, at which time an election shall be held to fill the unexpired term. In case of a disaster in which neither the Mayor nor the President of the Board of Supervisors is able to serve as Mayor, the order of succession shall be as designated by ordinance.

SEC. 3.103. VETO POWER.

Any ordinance or resolution passed by the Board of Supervisors shall be promptly delivered to the Mayor for consideration. If the Mayor approves the ordinance or resolution, the Mayor shall sign it and it shall become effective as provided in Section 2.105 of this Charter. If the Mayor disapproves the ordinance or resolution, the Mayor shall promptly return it to the Board of Supervisors without the Mayor's signature, accompanied by a statement indicating the reasons for disapproval and any recommendations which the Mayor may have. Any ordinance or resolution so disapproved by the Mayor shall become effective only if, subsequent to its return, it shall be passed by a vote of the Board of Supervisors required by Section 2.106 of this Charter. Any ordinance or resolution shall become effective, with or without the Mayor's signature, unless it is disapproved by the Mayor and returned to the Board of Supervisors not more than ten days after the date the ordinance or resolution was delivered to the Mayor's Office for consideration.

SEC. 3.104. CITY ADMINISTRATOR.

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years governmental management or finance experience with at least five years at the city, county, or city and county level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;
2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that all contracts and permits are

issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;

3. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;

4. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and

5. Administering, budgeting and control of publicity and advertising expenditures.'

The City Administrator shall have power to:

6. With the concurrence of the Mayor, appoint and remove the directors of the Departments of Administrative Services, Solid Waste, Public Guardian/Administrator, and Public Works, and such other department heads which are placed under his or her direction;

7. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

8. Award contracts without interference from the Mayor or Board of Supervisors; and

9. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

SEC. 3.105. CONTROLLER.

The Mayor shall appoint or reappoint a Controller for a ten-year term, subject to confirmation by the Board of Supervisors. The Controller may only be removed by the Mayor for cause, with the concurrence of the Board of Supervisors by a two-thirds vote.

The Controller shall be responsible for the timely accounting, disbursement or other disposition of monies of the City and County in accordance with sound financial practices applicable to municipalities and counties. The Controller shall have the powers and duties of a county auditor, except as otherwise provided in this Charter. The Controller shall have authority to audit the accounts and operations of all boards, commissions, officers and departments to evaluate their effectiveness and efficiency. The Controller shall have access to, and authority to, examine all documents, records, books and other property of any board, commission, officer or department.

Should the Controller determine at any time during the fiscal year that the revenues of the General Fund, or any special, sequestered or other fund are insufficient or appear to be insufficient to support the remaining anticipated expenditure from that fund for the fiscal year for any department, function or program, the Controller shall reduce or reserve all or a portion of the expenditure appropriation until such time as the Controller determines that the anticipated revenues for the remainder of that fiscal year are sufficient to support the level of expenditure anticipated for the remainder of the fiscal year. Whenever the Controller makes a reduction or reservation, the Controller shall so inform the Mayor and Board of Supervisors within 24 hours.

The Controller shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the City and County charged in any manner with the receipt, collection or disbursement of City and County funds or other funds, in their capacity as City and County officials or employees. The Controller shall establish accounting records, procedures and internal controls with respect to all financial transactions of the City and County. Such records, procedures and controls shall permit the financial statements of the City and County to be prepared in conformity with generally accepted accounting principles applicable to municipalities and counties.

The Controller shall within 150 days of the end of each fiscal year prepare an annual report of the financial condition of the City and County. Such annual report shall be prepared in accordance with generally accepted accounting principles. The annual report shall contain such information and disclosures as shall be necessary to present to the public a full and understandable report of all City and County financial activity.

The Controller shall prepare an impartial financial analysis of each City and County ballot measure which shall include the amount of any increase or decrease in the cost of government of the City and County and its effect upon the cost of government. Such analysis shall be issued in sufficient time to permit inclusion in the voters' pamphlet.

The Controller shall issue from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors.

All disbursements of funds in the custody of the Treasurer must be authorized by the Controller. No officer or employee shall bind the City and County to expend money unless there is a written contract or other instrument and unless the Controller shall certify that sufficient unencumbered balances are available in the proper fund to meet the payments under such contract or other obligation as these become due.

Article IV: Executive Branch-Boards, Commissions and Departments

SEC. 4.100. GENERAL.

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each

appointive board, commission, or other unit of government of the City and County established by state or federal law shall be subject to the provisions of this Article and this Charter.

SEC. 4.101. BOARDS AND COMMISSIONS -- COMPOSITION.

Unless otherwise provided in this Charter, the composition of each appointive board, commission or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California or the Board of Supervisors shall:

1. Be broadly representative of the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, and sexual orientation of the City and County and have representation of both sexes; and

2. Consist of electors of the City and County at all times during the term of their respective offices, unless otherwise specifically provided in this Charter; or in the case of boards, commissions or advisory bodies established by legislative act the position is (a) designated by ordinance for a person under legal voting age, or (b) unless specifically exempt from the provisions, or waived by the appointing officer or entity upon a finding that an elector with specific experience, skills or qualifications willing to serve could not be located within the City and County.

Vacancies on appointive boards, commissions or other units of government shall be filled for the balance of the unexpired term in the manner prescribed by this Charter or ordinance for initial appointments.

Terms of office shall continue as they existed on the effective date of this Charter.

SEC. 4.102. BOARDS AND COMMISSIONS -- POWERS AND DUTIES.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;

2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;

3. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of

the executive branch and the Board of Supervisors' authority under Section 9.103;

4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;

5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;

6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;

7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;

8. Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and

9. Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

10. Hold hearings and take testimony; and

11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or his or her designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or commission's powers of hearing and inquiry as provided in this Charter.

SEC. 4.103. BOARDS AND COMMISSIONS -- ANNUAL REPORT.

As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).

SEC. 4.104. BOARDS AND COMMISSIONS -- RULES AND REGULATIONS.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.
2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances of the Board of Supervisors.
3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

The presence of a majority of the members of an appointive board, commission or other unit of government shall constitute a quorum for the transaction of business by such body. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

SEC. 4.105. PLANNING COMMISSION.

GENERAL

The Planning Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The Mayor shall designate the initial two and four year terms of office of the two members replacing the ex officio members under the Charter of 1932.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of city planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

GENERAL PLAN

The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS

The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES

All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department.

ENFORCEMENT

The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS

The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR

The director of planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in his or her findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of

the property that do not apply generally to the property or class of uses in the same district or zone:

(b) That owing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property:

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity:

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located:
and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under his or her jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE

The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

SEC. 4.106. BOARD OF APPEALS.

(a) The Board of Appeals shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Board shall appoint and may remove an executive secretary, who shall serve as department head.

(b) The Board shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked or withdrawn, or who believes that his or her interest or the public interest will be adversely affected by the grant, denial,

suspension or revocation of a license or permit, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, or the Port Commission, or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

(c) The Board of ~~Permit~~ Appeals shall hear and determine appeals:

1. Where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the city and county; or

2. From the rulings, decisions and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance.

(d) After a hearing and any necessary investigation, the Board may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the Department.

Where the Board exercises its authority to modify or overrule the action of a department, the Board ~~it~~ shall state in summary its reasons in writing.

~~Any variance from a strict application of the terms of an ordinance may be granted only to the extent and under the circumstances the applicant has substantially complied with all legal requirements and has otherwise satisfied the purpose of any relevant rules, regulations and ordinances, and of this Charter.~~

SEC. 4.107.. HUMAN RIGHTS COMMISSION.

The Human Rights Commission shall consist of eleven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Commission shall:

1. Investigate complaints of unlawful discrimination against any person;
2. Ensure the civil rights of all persons;
3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented;

and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;

4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community groups and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;

5. Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;

6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and

7. Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.

In performing its duties, the Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

SEC. 4.108. FIRE COMMISSION.

The Fire Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

SEC. 4.109. POLICE COMMISSION.

The Police Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other.

SEC. 4.110. HEALTH COMMISSION.

The Health Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. The Commission shall have less than a majority of direct care providers. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall control the property under its jurisdiction.

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County, except where the Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

SEC. 4.111. HUMAN SERVICES COMMISSION.

The Human Services Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

SEC. 4.112. PUBLIC UTILITIES COMMISSION.

The Public Utilities Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all water and energy supplies and utilities of the City as well as the real, personal and financial assets, which are under the Commission's jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.128.

SEC. 4.113. RECREATION AND PARK COMMISSION.

The Recreation and Park Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and

estimates in connection therewith shall be prepared by the Department of Public Works and be the subject to approval by the Commission, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the Department of Parking and Traffic, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the Department of Parking and Traffic in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

SEC. 4.114. PORT COMMISSION.

The Port Commission shall consist of five members who shall be appointed by the Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members shall serve for a term of four years. They shall be subject to recall, suspension and removal in the same manner as an elected official.

The Commission shall have the composition and organization, and the powers, duties and responsibilities with respect to the Port that are set forth in the Burton Act, Statutes of 1968, Chapter 1333, as amended, and in the Agreement Relating to the Transfer of the Port of San Francisco from the State of California to the City and County, executed on the 24th day of January 1969.

The Commission shall be subject to the provisions of Sections 4.101 through 4.103 of this Charter, so far as those powers and duties are not inconsistent with the Burton Act and the Transfer Agreement as they are referred to in the above paragraph.

SEC. 4.115. AIRPORT COMMISSION.

The Airport Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

SEC. 4.116. PARKING AND TRAFFIC COMMISSION.

The Parking and Traffic Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

If not in conflict with state law, members of the Commission, or its successor, shall serve ex officio as members of the Parking Authority. Any person may serve concurrently as a member of the Parking Authority and the Parking and Traffic Commission. The Commission shall control all property under its jurisdiction.

SEC. 4.117. PUBLIC TRANSPORTATION COMMISSION.

The Public Transportation Commission shall consist of five members who shall be appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. No less than three members of the Commission shall possess knowledge of, or professional experience in, the field of public transportation. No less than two members of the Commission shall be regular riders of the City's public transportation system, and shall continue to be regular riders during their terms as commissioners.

The Board of Supervisors shall have the power by ordinance to abolish the Parking and Traffic Commission and transfer the functions of the Department of Parking and Traffic into the Public Transportation Commission. Thereafter, the Department of Transportation shall be comprised of a Bureau of Public Transit and a Bureau of Parking and Traffic.

Effective upon the abolishment of the Parking and Traffic Commission, two members shall be appointed by the Mayor to the Public Transportation Commission, which shall increase to seven members, for a term of four years, provided that the respective terms of office of those first appointed shall be one for two years and one for four years. The Commission shall control all property under its jurisdiction.

SEC. 4.118. COMMISSION ON THE ENVIRONMENT.

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.128 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;
8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.

The Commission on the Status of Women shall consist of seven members. Commission members shall be appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.128.

SEC. 4.120. COMMISSION ON AGING.

The Commission on Aging shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The duties and functions of the Commission shall be assigned pursuant to Section 4.128.

SEC. 4.121. BUILDING INSPECTION COMMISSION.

The Building Inspection Commission shall consist of seven members. Four members shall be appointed by the Mayor for a term of two years. Three members shall be appointed by the President of the Board of Supervisors for a term of two years. Members may be removed by the appointing officer only pursuant to Section 15.105. Vacancies occurring in the offices of appointive members, either during or at the expiration of a term, shall be filled by the appointing officer.

The four Mayoral appointments shall consist of a structural engineer, a licensed architect, a residential builder, and a representative of a community-based non-profit housing development corporation. The three Supervisorial appointments shall consist of a residential tenant, a residential landlord, and a member of the general public.

Notwithstanding any other provision of the Charter, the Commission shall have the power to appoint and remove a department head.

SEC. 4.122. DEPARTMENTS -- GENERAL PROVISIONS.

Except as otherwise provided by this Charter, the responsibilities of each department within the executive branch shall be prescribed by ordinance.

The administration and management of each department within the executive branch shall be the responsibility of the department head.

Such officials may:

1. Appoint qualified individuals to fill all positions within their departments which are exempt from the Civil Service provisions of this Charter;
2. Adopt rules and regulations governing matters within the jurisdiction of their respective departments, subject, if applicable, to Section 4.102; and
3. With the approval of the City Administrator, reorganize their respective departments.

No person serving on a board or commission created by state law to discharge a state function specifically within the City and County may be employed as a paid staff member to a board or commission created by this Charter.

SEC. 4.123. POLICE DEPARTMENT.

The Police Department shall preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California and the City and County.

The Chief of Police may appoint and remove at pleasure special police officers.

The Chief of Police shall have all powers which are now or that may be conferred upon a sheriff by state law with respect to the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority.

DISTRICT POLICE STATIONS

The Police Department shall maintain and operate district police stations. The Police Commission, subject to the approval by the Board of Supervisors, may establish additional district stations, abandon or relocate any district station, or consolidate any two or more district stations.

OFFICE OF CITIZEN COMPLAINTS

The Police Commission shall have the power and duty to appoint a director of the Office of Citizen Complaints who shall hold office at its pleasure. The director shall never have been a uniformed member or employee of the department. The director shall be the appointing officer under the civil service provisions of this Charter for the appointment, removal or discipline of employees of the Office of Citizen Complaints.

The Commission shall have the power and duty to organize, reorganize and manage the Office of Citizen Complaints. No full-time or part-time employee of the Office of Citizen Complaints shall have previously served as a uniformed member of the department. Subject to rule of the Police Commission, the director may appoint part-time hearing officers who shall be exempt from the civil service requirements of this Charter. Compensation of the hearing officers shall be at rates recommended by the Commission and established by the Board of Supervisors.

Complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty shall be promptly, fairly and impartially investigated by staff of the Office of Citizen Complaints. The Office of Citizen Complaints shall investigate all complaints of police misconduct, or that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. The Office of Citizen Complaints shall recommend disciplinary action to the Chief of Police on those complaints that are sustained. The director shall schedule hearings before hearing officers when such is requested by the complainant or a member of the department and, in accordance with rules of the Commission, such a hearing will facilitate the fact-finding process. The Board of Supervisors may provide by ordinance that the ~~The~~ Office of Citizen Complaints shall in the same manner investigate and make recommendations to the Chief of Police regarding complaints of misconduct by patrol special police officers and their uniformed employees.

Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a member of the department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Commission by other provisions of this Charter.

The Office of Citizen Complaints shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

In carrying out its objectives the Office of Citizen Complaints shall receive prompt and full cooperation and assistance from all departments, officers and employees of the City and County. The director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of the Office of Citizen Complaints.

POLICE STAFFING

The police force of the City and County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn officers thereafter.

All officers and employees of the City and County are directed to take all acts necessary to implement the provisions of this section. The Board of Supervisors is empowered to adopt ordinances necessary to effectuate the purpose of this section including but not limited to ordinances regulating the scheduling of police training cases.

Further, the Commission shall initiate an annual review to civilianize as many positions as possible to maximize police presence in the communities and submit that report to the Board of Supervisors annually for review and approval.

The number of full duty sworn officers in the Police Department dedicated to neighborhood policing and patrol for fiscal year 1993-1994 shall not be reduced in future years, and all new full duty sworn officers authorized for the Police Department shall also be dedicated to neighborhood community policing, patrol and investigations.

PATROL SPECIAL POLICE OFFICERS

The Commission may appoint patrol special police officers and for cause may suspend or dismiss patrol special police officers after a hearing on charges duly filed with the Commission and after a fair and impartial trial. Patrol special police officers shall be regulated by the Police Commission, which may establish requirements for and procedures to govern the position, including the power of the Chief of Police to suspend a patrol special police officer pending a hearing on charges. Each patrol special police officer shall be at the time of appointment not less than 21 years of age and must possess such physical qualifications as may be required by the Commission.

Patrol special police officers may be designated by the Commission as the owners of a certain beat or territory which may be established or rescinded by the Commission. Patrol special police officers designated as the owners of a certain beat or territory or the legal heirs or representatives of the owners may dispose of their interest in the beat or territory to a person of good moral character, approved by the Police Commission and eligible for appointment as a patrol special police officer.

Commission designation of beats or territories shall not affect the ability of private security companies to provide on-site security services on the inside or at the entrance of any property located in the City and County.

SEC. 4.124. FIRE DEPARTMENT.

The Fire Department shall perform duties and enforce all applicable laws pertaining to the protection from, and the prevention, suppression, control and investigation of fires.

The Fire Chief shall cause the Fire Department to inspect all occupied or vacated structures to determine compliance with applicable laws relative to fire prevention, protection and control and also the protection of persons and property from fire.

The Fire Chief may during a conflagration cause to be removed any structure for the purpose of checking the progress of the conflagration.

SEC. 4.125. DEPARTMENT OF ADMINISTRATIVE SERVICES.

The director of the Department of Administrative Services shall purchase all supplies, equipment and contractual services required by the several departments and offices of the City and County, except as otherwise provided in the Administrative Code. Except in cases of emergency, the director shall not enter into any contract or issue any purchase order unless the Controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due. The director shall have charge of the central warehouses, central storerooms, central garage and shop.

The director shall by rules and regulations approved by the Controller, designate and authorize appropriate personnel within the Department of Administrative Services to exercise the director's signature powers for purchase orders and contract.

The director shall have authority to exchange used materials, supplies and equipment to the advantage of the City and County, advertise for bids, and to sell and otherwise dispose of personal property belonging to the City and County. The director shall have authority to require the transfer of surplus property in any department to stores or to other departments.

The director shall manage all public buildings, facilities and real estate of the City and County, unless otherwise provided for in this Charter.

Additional duties and functions of the Department of Administrative Services shall be assigned the City Administrator, by ordinance or pursuant to Section 4.128.

SEC. 4.126. DEPARTMENT OF PUBLIC WORKS.

The duties and functions of the Department of Public Works shall be assigned by the City Administrator, by ordinance or pursuant to Section 4.128.

SEC. 4.127. COUNTY CLERK.

The County Clerk shall perform all duties of the County Clerk-Recorder until such office is merged into the Office of the Assessor-Recorder pursuant to Section 6.101.

SEC. 4.128. EXECUTIVE BRANCH REORGANIZATION.

The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties and functions between departments and other units of government within the executive branch. Such reorganization shall become effective 30 days after its issuance unless disapproved by the Board of Supervisors during that time.

A proposed reorganization shall provide for the transfer of:

1. Civil service employees who are engaged in the performance of a function or duty transferred to another office, agency or department; such transfer shall not adversely affect status, position, compensation or pension or retirement rights and privileges;
2. Any unexpended balances of appropriations and other funds available for use in connection with any office, agency, department or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

Article V: Executive Branch-Arts and Culture

SEC. 5.100. GENERAL.

The arts and culture departments of the City and County shall be the Arts Commission, the Asian Art Museum of San Francisco, the Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center. These departments shall be a part of the executive branch of City and County government.

The terms of office of all trustees and commissioners shall continue as they existed on the effective date of this Charter. All vacancies shall be filled within 90 days.

The governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance.

SEC. 5.101. CHARITABLE TRUST DEPARTMENTS.

For the purposes of this Article, the Asian Art Museum of San Francisco, The Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center are referred to as the "charitable trust departments."

Nothing in this Article shall be construed to limit or change the powers and responsibilities of the governing boards of the charitable trust departments insofar as they involve administration of the charitable trusts, gifts and contracts for which they are responsible.

The charitable trust departments shall have exclusive charge of the trusts and all other assets under their jurisdiction, which may be acquired by loan, purchase, gift, devise, bequest or otherwise, including any land or buildings set aside for their use. They shall have authority to maintain, operate, manage, repair or reconstruct existing buildings and construct new buildings, and to make and enter into contracts relating thereto, subject, insofar as City funds are to be used, to the budgetary and fiscal provisions of this Charter.

SEC. 5.102. CITY MUSEUMS.

When the term "museums" is used in this Article, unless otherwise specified, it refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

Trustees and commissioners of the museums are exempt from the requirement of Section 4.101(2) of this Charter, except that at least a majority of The Fine Arts Museum Board of Trustees shall be residents of the City and County. Members shall serve for three-year terms, and may be removed by the Mayor only pursuant to Section 15.105. Members shall serve without compensation.

The governing boards of the museums shall adopt by-laws providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. Appointees to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

SEC. 5.103. ARTS COMMISSION.

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve ex officio. Members may be removed by the Mayor.

The Commission shall appoint and may remove a director of the department.

The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;
2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;
3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.

The Asian Art Commission shall consist of twenty-seven trustees appointed by the Mayor. In filling vacancies, the Mayor shall solicit nominations from the Commission and shall give due consideration to such nominees in filling such vacancies to the end that the members of the Commission shall be representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest or activity therein.

The Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum of San Francisco," or by such other title as may be chosen by not less than two-thirds of the members of the Commission;
2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts;
3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;
4. Promote, establish and develop an acquisition fund for Asian art objects; and
5. Collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

SEC. 5.105. THE FINE ARTS MUSEUMS OF SAN FRANCISCO.

The California Palace of Legion of Honor and the M.H. de Young Memorial Museum shall compromise the Fine Arts Museums of San Francisco, or such other title as may be chosen by not less than two-thirds of the trustees of the Fine Arts Museums. The Fine Arts Museums Board of Trustees shall consist of 62 members to be elected by the members of the Board. On a vote of the majority of members, the number of Trustees may be increased or decreased from time to time as needed, provided that the number of Trustees shall not be more than 62, and provided further that a vote to decrease the number shall not affect the power or tenure of any incumbent. The Board may act by majority of the members present at meeting in which a quorum is in attendance.

In selecting members to serve on the Board, the Board of Trustees shall give due consideration to nominees who are broadly representative of the diverse communities of the City and County and knowledgeable in the fields of art and culture, as demonstrated by their experience, training, interest or philanthropic activity.

A quorum of the Board shall consist of one-third of the number of trustees in office at the time. A majority or two-thirds vote of the Board shall mean a majority or two-thirds vote of the number of trustees present at the meeting at which the vote is taken.

The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County.

The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support.

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of eleven trustees appointed by the Mayor, pursuant to Section 3.100, for four-year terms. In making appointments the Mayor shall give due consideration to veterans and others who have a special interest in the purposes for which the Center exists. Members may be removed by the Mayor only pursuant to Section 15.105.

The governing board shall appoint and may remove a director.

Article VI: Other Elective Officers

SEC. 6.100. DESIGNATION OF OTHER ELECTIVE OFFICERS.

In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the elective officers of the City and County: the Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and Treasurer. Each such officer shall be elected for a four-year term and shall serve full time.

The City Attorney shall be licensed to practice law in all courts of the State of California and shall have been so licensed for at least ten years next preceding his or her election. The District Attorney and Public Defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding his or her election. Such officers shall not engage in the private practice of law during the period they serve as elective officers of the City and County.

Subject to the powers and duties set forth in this Charter, the officers named in this section shall have such additional powers and duties

prescribed by state laws for their respective office. The terms of office in effect for these officers on the date this Charter is adopted shall continue.

SEC. 6.101. ASSESSOR-RECORDER.

The Assessor-Recorder shall:

1. Equitably and effectively administer the property assessment system of the City and County; and
2. Exercise the duties of Assessor and Recorder provided under state law, effective July 1, 1997.

SEC. 6.102. CITY ATTORNEY.

The City Attorney shall:

1. Represent the City and County in legal proceedings with respect to which it has an interest;
2. Represent an officer or official of the City and County when directed to do so by the Board of Supervisors, unless the cause of action exists in favor of the City and County against such officer or official;
3. Whenever a cause of action exists in favor of the City and County, commence legal proceedings when such action is within the knowledge of the City Attorney or when directed to do so by the Board of Supervisors, except for the collection of taxes and delinquent revenues, which shall be performed by the attorney for the Tax Collector;
4. Upon request, provide advice or written opinion to any officer, department head or board, commission or other unit of government of the City and County;
5. Make recommendations for or against the settlement or dismissal of legal proceedings to the Board of Supervisors prior to any such settlement or dismissal. Such proceedings shall be settled or dismissed by ordinance and only upon the recommendation of the City Attorney;
6. Approve as to form all surety bonds, contracts and, prior to enactment, all ordinances; and examine and approve title to all real property to be acquired by the City and County;
7. Prepare, review annually and make available to the public a codification of ordinances of the City and County then in effect;
8. Prepare and make available to the public an annual edition of this Charter complete with all of its amendments and legal annotations; and

9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and Administration which shall have the power to investigate, evaluate and settle for the several boards, commissions and departments all claims for money or damages. The Bureau shall also have the power to investigate incidents where the City faces potential civil liability, and to settle demands before they are presented as claims, within dollar limits provided for by ordinance, from a revolving fund to be established for that purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at his or her pleasure. The chief of the Bureau may appoint, subject to confirmation by the City Attorney, investigators who shall serve at the pleasure of the chief.

SEC. 6.103. DISTRICT ATTORNEY.

The District Attorney shall:

1. Investigate all allegations of violations of laws which the District Attorney has the power to prosecute in court or before any other trier of fact;
2. Prosecute all criminal cases in the appropriate courts and issue warrants for the arrest of persons charged with crimes to be prosecuted in such courts; and
3. Proceed in such civil cases as authorized by state law.

SEC. 6.104. PUBLIC DEFENDER.

The Public Defender shall, upon the request of an accused who is financially unable to employ counsel, or upon order of the Court, defend or give counsel or advice to any person charged with the commission of a crime or in danger of criminal prosecution.

SEC. 6.105. SHERIFF.

The Sheriff shall:

1. Keep the county jail;
2. Receive all prisoners committed to jail by competent authorities;
3. Execute the orders and legal processes issued by courts of the State of California;
4. Upon court order detail necessary bailiffs; and
5. Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.

SEC. 6.106. TREASURER.

The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices, and shall be responsible for collection of delinquent revenue. The Treasurer shall appoint a Chief Assistant and a Tax Collector who shall serve at the pleasure of the Treasurer.

SEC. 6.107. VACANCIES.

If the position of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff or Treasurer shall become vacant because of death, resignation, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified under this Charter and state laws. Should more than 29 months remain in the unexpired term, the appointee shall serve until the next general municipal or statewide election occurring not less than 120 days after the appointment, at which time an election shall be held to fill the unexpired term.

Article VII: Judicial Branch

SEC. 7.100. SUPERIOR AND MUNICIPAL COURTS.

The powers and duties of the Superior and Municipal Courts are as prescribed by state law.

Any fees required to be collected by the Superior Court, Municipal Court or the Clerks of such Courts shall be deposited into the treasury of the City and County and distributed therefrom as provided for by state law.

SEC. 7.101. ADULT PROBATION.

Adult probation is a county function which is prescribed by state law. The Superior Court shall appoint the Chief Adult Probation Officer. The Chief Adult Probation Officer shall appoint such assistants, deputies and employees as may be allowed or provided by the Board of Supervisors.

The Chief Adult Probation Officer, and his or her assistants and deputies, shall have the powers and duties conferred upon such adult probation officers, assistants and deputies by state laws; and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

SEC. 7.102. JUVENILE PROBATION.

The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

Members may be removed by the Mayor only pursuant to Section 15.105.

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

Article VIII: Education and Libraries

SEC. 8.100. UNIFIED SCHOOL DISTRICT.

The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected by the voters of the Unified School District. A student representative shall serve on the Board in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. Vacancies occurring on the Board shall be filled for the unexpired term by the Mayor. The compensation for each member shall be \$500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

SEC. 8.101. GOVERNING BOARD OF THE COMMUNITY COLLEGE DISTRICT.

The Community College District shall be under the control and management of a Governing Board composed of seven members who shall be elected by the voters of the Community College District. A student representative shall serve on the Governing Board in accordance with state law. No member of this Board shall be eligible to serve on the Board of Education. Vacancies occurring on the Governing Board shall be filled for the unexpired term by the Mayor. The compensation for each member shall be \$500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

SEC. 8.102. PUBLIC LIBRARIES.

Libraries including the Library Commission and the Library Department shall be a part of the executive branch.

The Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

SEC. 8.103. LAW LIBRARY.

The San Francisco Law Library shall be under the management and control of the Board of Trustees, as established by act of the Legislature approved March 9, 1870. The Board shall consist of seven appointive members of the San Francisco bar, and the Mayor, the Presiding Judge and the three judges of the Appellate Department of the Superior Court, ex-officio. All vacancies on the Board shall be filled by the Board.

Pursuant to state law, the Board shall appoint and at its pleasure may remove a librarian, who shall be its executive officer. The Board shall have complete authority to manage its affairs consistent with this Charter and state law.

Compensation of Law Library personnel shall be fixed by the executive officer of the Law Library, with approval of the Board of Trustees. Subject to the budgetary and fiscal provisions of this Charter, the City and County shall continue to fund the salaries for at least the positions of Librarian, Assistant Librarian and Bookbinder.

The City and County shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The Library shall be so located as to be readily accessible to the judges and officers of the courts.

The Clerks of the Superior and Municipal Courts shall collect fees provided for law libraries by general law and the fees so collected shall be paid monthly to the Treasurer of the Law Library, and shall constitute a law library fund to be expended by the Trustees in the purchase of books and periodicals, and in the establishment and maintenance of the Law Library.

The judiciary, city, county and state officials, members of the Bar, and all inhabitants of the City and County shall have free access, use and enjoyment of the Law Library, subject to the rules and regulations of the Trustees.

Article IX: Financial Provisions

SEC. 9.100. BUDGET PROCESS ORDINANCES.

The fiscal year for the City and County shall commence on the first day of July of each year and shall end on the last day of June of the next succeeding year. On or before June 30 of each year, the Board of Supervisors shall, except for equipment and capital improvements, enact an interim appropriation ordinance and not earlier than the 15th day of July, nor later than the first of August of each year, the Board of Supervisors shall adopt the proposed budget as submitted or amended and shall adopt the annual appropriation ordinance accordingly, which shall supersede the interim appropriation ordinance.

The Mayor shall submit and the Board of Supervisors shall act on ordinances with respect to the following:

1. A schedule and procedures for the orderly preparation and submission of the annual proposed budget and for the review and adoption of the necessary interim and final appropriations ordinances;

2. A description of the form of the annual proposed budget and appropriation ordinance consistent with the financial records required by Section 3.105 of this Charter and containing information relating the type and extent of services to be delivered or revenues to be generated to proposed expenditures in a manner which, to the extent feasible, allows comparison of revenue trends as well as expected performance and expenditures between various fiscal years;

3. A procedure to include public participation in the budgetary process which shall include public hearings conducted by the commissions, Mayor and the Board of Supervisors; and

4. The form, content and dates of submission of the City's Capital Improvements and Facilities Maintenance Budgets. The ordinance relating to Capital Improvement and Facilities Maintenance shall minimally:

- (a) Require that such budgets be prepared for more than a single year;

- (b) Clearly establish distinctions between major, long term construction, replacement and acquisition projects (Capital Improvements) and short term repair, minor replacement and maintenance projects (Facilities Maintenance);

- (c) Be consistent as to the date of submission with the time requirements established for the submission of the budget and appropriation ordinance; and

- (d) Provide information regarding the estimated completion schedule for Capital Improvements, the funding source for each and the estimated annual operating costs thereof.

SEC. 9.101. PROPOSED ANNUAL AND MULTI-YEAR BUDGETS.

The Mayor shall submit to the Board of Supervisors each year an annual proposed budget, ordinances and resolutions fixing wages and benefits for all classifications and related appropriation ordinances.

The annual proposed budget shall include:

1. Estimated revenues and surpluses from whatever sources, to the extent feasible, for the forthcoming fiscal year and the allocation of such revenues and surpluses to various departments, functions and programs to support expenditures. Proposed expenditures may include such necessary and prudent reserves as recommended by the Controller; and

2. A summary of the annual proposed budget with a narrative description of priorities, services to be provided and economic assumptions used in preparing the revenue estimates. The summary shall also contain a discussion of trends and projections of revenues and expenditures of the City and County for the subsequent four years.

The annual proposed budget and appropriation ordinances shall be balanced so that the proposed expenditures of each fund do not exceed the estimated revenues and surpluses of that fund. If the proposed budget contains new revenue or fees, the Mayor shall submit to the Board of Supervisors the relevant implementing ordinances at the same time the annual budget is submitted.

Until the appropriation ordinances are adopted by the Board of Supervisors, the Mayor may submit to the Board of Supervisors revisions to the annual proposed budget, appropriation ordinances, and ordinances and resolutions fixing wages and benefits.

The Mayor may instruct the Controller to prepare the draft appropriation ordinances.

The Mayor shall file a copy of the annual proposed budget at the Main Library and shall give notice make copies of the budget summary, including making copies available to the public. Upon final approval of the budget by both the Board and the Mayor, notice shall be given of the final budget summary.

The Board of Supervisors by ordinance may require multi-year budget plans and other budget planning strategies to be performed by the several departments and offices of the City and County.

SEC. 9.102. CERTIFICATION OF REVENUE ESTIMATES.

The Mayor shall submit to the Controller for review the estimated revenues contained in the annual proposed budget and any subsequent revisions. The Controller shall then provide the Board of Supervisors with an opinion regarding the accuracy of economic assumptions underlying the revenue estimates and the reasonableness of such estimates and revisions.

SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES.

The Board of Supervisors may amend the annual proposed budget and appropriation ordinances as follows:

1. After review of the Controller's analysis of the Mayor's revenue estimates, the Board of Supervisors may reduce estimated revenues;

2. The Board of Supervisors may increase or decrease any proposed expenditure in the General Fund or any special, sequestered or other fund so long as the aggregate changes do not cause the expenditures from each fund to exceed the amount proposed for expenditures by the Mayor from any such fund; and

3. The Board of Supervisors may increase or decrease any proposed expenditure for Capital Improvements.

SEC. 9.104. VETO OF APPROPRIATIONS.

The Mayor may reduce or reject any expenditure authorized by the Board of Supervisors, except appropriations for bond interest, redemption or other fixed charges, within ten days after the adoption of a final annual or supplemental appropriations ordinance. Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may reinstate, in whole or in part, any expenditure reduced or rejected by the Mayor by a vote of two-thirds of its members. In overriding any Mayoral veto, the Board of Supervisors shall not cause the aggregate expenditures for the General Fund or any special, sequestered or other fund in the appropriation ordinances to exceed the Mayor's revenue estimate as allocated to such funds.

SEC. 9.105. MODIFICATIONS.

The Board of Supervisors may authorize the Controller, upon the request of the Mayor, other officials, boards or commissions of the City and County to transfer previously appropriated amounts within the same fund within the same governmental unit without approval of the Board of Supervisors.

Amendments to the appropriations ordinance, as finally adopted, may be initiated by the Mayor or a member of the Board of Supervisors and adopted in the same manner as other ordinances. No amendment to the appropriations ordinance may be adopted unless the Controller certifies availability of funds.

Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

SEC. 9.106. GENERAL OBLIGATION BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of general obligation bonds in accordance with the Constitution of the State of California. General obligation bonds may be issued and sold in accordance with state law or any local procedure adopted by ordinance. There shall be a limit on outstanding general obligation bond indebtedness of three percent of the assessed value of all taxable real and personal property, located within the City and County.

SEC. 9.107. REVENUE BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of revenue bonds. Revenue bonds shall be issued only with the assent of a majority of the voters upon any proposition for the issuance of revenue bonds, except that no voter approval shall be required with respect to revenue bonds:

1. Approved by three-fourths of all the Board of Supervisors if the bonds are to finance buildings, fixtures or equipment which are deemed necessary by the Board of Supervisors to comply with an order of a duly constituted state or federal authority having jurisdiction over the subject matter;
2. Approved by the Board of Supervisors prior to January 1, 1977;
3. Approved by the Board of Supervisors if the bonds are to establish a fund for the purpose of financing or refinancing for acquisition, construction or rehabilitation of housing in the City and County;
4. Authorized and issued by the Port Commission for any Port-related purpose and secured solely by Port revenues, or authorized and issued for any Airport-related purpose and secured solely by Airport revenues;
5. Issued for the purposes of assisting private parties and not-for-profit entities in the financing and refinancing of the acquisition, construction, reconstruction or equipping of any improvement for industrial, manufacturing, research and development, commercial and energy uses or other facilities and activities incidental thereto, provided the bonds are not secured or payable from any monies of the City and County or its commissions.
6. Issued for the purpose of the reconstruction or replacement of existing water facilities or electric power facilities or combinations of water and electric power facilities under the jurisdiction of the Public Utilities Commission, when authorized by resolution adopted by a three-fourths affirmative vote of all members of the Board of Supervisors.
7. Approved and authorized by the Board of Supervisors and secured solely by an assessment imposed by the City.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance.

SEC. 9.108. LEASE FINANCING.

The City and County may enter into lease financing agreements only with the assent of the majority of the voters voting upon any proposition for the authorization of the lease financing. As used in this section, lease financing shall mean any lease or sublease made between the City and County and any public agency or authority, a non-profit corporation or a retirement system for the purpose of financing the acquisition, construction or improvement by the City and County of real property or equipment.

The requirements of this section do not apply to:

1. Any lease financing which was approved in fact or in principle by a resolution or ordinance adopted by the Board of Supervisors prior to April 1, 1977; provided, that if the resolution or ordinance

approved the lease financing only in principle, the resolution or ordinance must describe in general terms the public improvements or equipment to be financed; or

2. The amendment or the refunding of a lease financing which is expected to result in net savings in rental payments to the City and County on a present value basis, calculated as provided by ordinance; or

3. Lease financing involving a nonprofit corporation established for the purpose of this subsection for the acquisition of equipment, the obligations or evidence of indebtedness with respect to which shall not exceed in the aggregate at any point in time a principle amount of \$20 million, such amount to be increased by five percent each fiscal year commencing with fiscal year 1990-1991; provided, however, that prior to each sale of such obligations or evidence of indebtedness, the Controller certifies that in his or her opinion the net interest cost to the City will be lower than other financings involving a lease or leases.

SEC. 9.109 REFUNDING BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of bonds of the City and County for the purpose of refunding any general obligation or revenue bonds of the City and County then outstanding. No voter approval shall be required for the authorization, issuance and sale of refunding bonds, which are expected to result in net debt service savings to the City and County on a present value basis, calculated as provided by ordinance.

SEC. 9.110. BOND ELECTION BY INITIATIVE.

Proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may be initiated by electors in the following manner: Whenever a petition, signed by qualified electors of the City and County equal in number to at least fifteen percent of the votes cast for all candidates for Mayor at the last proceeding general municipal election for Mayor, requesting the Board of Supervisors to submit to the voters of the City and County a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utilities or utilities shall be filed with the director of elections, the Board of Supervisors shall submit to the voters the proposition or propositions for incurring bonded indebtedness of the City and County for purposes or purposes set forth in that petition at the next general municipal, statewide or special municipal election.

SEC. 9.111. GENERAL AUTHORITY.

Except as otherwise expressly provided in this Charter, the City and County and its commissions shall have the authority to incur and refund indebtedness as provided by and pursuant to the general laws of the state as such laws are in force at the time any bonded indebtedness is created or

refunded by the City and County or its commissions. The Controller certifications required by Sections 3.105 and 9.113 shall not apply to bonded indebtedness, financing leases or agreements for an exchange of payments based upon interest rates which are entered into in connection with bonded indebtedness or financing leases, provided that the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due.

SEC. 9.112. REVENUE BONDS OF THE PORT COMMISSION.

The Port Commission shall have the exclusive power to perform or accomplish issuance of revenue bonds for Port-related purposes, as provided in Section B7.305 of this Charter.

SEC. 9.113. CASH RESERVES.

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the City and County for any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the Controller, at the closing of such fiscal year, to a "Cash Reserve Fund" which may be used only in the manner authorized by Section 6.304 of the Charter of 1932, including the transfer provisions, as codified in the Administrative Code; provided, however, that when the balance in the Cash Reserve Fund equals ten per cent of the current or the last preceding tax levy no such transfer shall be made except on the recommendation of the Controller, the approval of the Mayor and the authorization of the Board of Supervisors.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as defined in this section when not transferred to the Cash Reserve Fund as hereinbefore in this section required or authorized, shall be held as surplus.

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the Board of Supervisors by means of an ordinance designated as a supplemental appropriation ordinance.

In the event the Mayor or a member of the Board of Supervisors recommends a supplemental appropriation ordinance after the adoption of the budget for any fiscal year and prior to the closed of the fiscal year containing any item which had been rejected by the Mayor in his/her review of departmental budget estimates for the fiscal year or which had been rejected by the Board of Supervisors in its consideration of the Mayor's proposed budget for the fiscal year, it shall require a vote of two-thirds of all members of the Board of Supervisors to approve such supplemental appropriation ordinance.

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the Board of Supervisors unless the Controller first certifies to the Board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the Controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditures will be available in the treasury in sufficient amount to meet the same as it becomes due.

The Board of Supervisors shall have the power to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper, or any other short-term debt instruments in the manner provided by state law or City ordinance.

SEC. 9.114. MISSION-DRIVEN BUDGET.

Each departmental budget shall describe each proposed activity of that department and the cost of that activity. In addition, each department shall provide the Mayor and the Board of Supervisors with the following details regarding its budget:

1. The overall mission and goals of the department;
2. The specific programs and activities conducted by the department to accomplish its mission and goals;
3. The customer(s) or client(s) served by the department;
4. The service outcome desired by the customer(s) or client(s) of the department's programs and activities;
5. Strategic plans that guide each program or activity;
6. Productivity goals that measure progress toward strategic plans;
7. The total cost of carrying out each program or activity; and
8. The extent to which the department achieved, exceeded or failed to meet its missions, goals, productivity objectives, service objectives, strategic plans and spending constraints identified in subsections (1) through (6) during the prior year.

Departmental budget estimates shall be prepared in such form as the Controller, after consulting with the Mayor, directs in writing.

SEC. 9.115. DEPARTMENTAL BUDGET COMMITMENTS.

It shall be the duty of each officer, department head, board or commission ultimately responsible for the management of each department to certify to the Mayor and the Board of Supervisors his/her commitment to perform the programs and activities with specified levels of performance for specified costs as outlined in the budget description and other information required by Section 9.114.

SEC. 9.116. DEPARTMENTAL SAVINGS AND REVENUE GAINS.

Within 30 days of the Controller's issuance of the combined annual financial report of the City and County, the Controller shall report to the Mayor and Board of Supervisors regarding the extent to which each department in the prior fiscal year has recovered additional revenues measured by the difference between projected and experienced revenues. It shall be City policy for the Mayor and Board of Supervisors, upon receipt of this report, through the supplemental appropriations process to give serious consideration to rewarding those departments that the Controller has certified pursuant to this section exceeded their revenue goals or met or exceeded departmental operational goals expending less than has been projected in the budget.

SEC. 9.117. ESTABLISHMENT OF AUDIT COMMITTEE OF THE BOARD OF SUPERVISORS.

On or before the operative date of this Charter and until this requirement is changed by the Board of Supervisors, the Board of Supervisors shall establish through its rules an Audit Committee.

The Audit Committee shall:

1. Maintain a direct and separate line of communication between the Board of Supervisors and the City and County's independent auditor;
2. Meet with the independent auditor to review the audited annual financial statement and the auditor's report on such matters as the quality and depth of management and compliance;
3. Recommend appropriate action to be taken by the Board of Supervisors to implement recommendations contained in the audit report;
4. Follow up, as necessary, to ensure that approved recommendations are promptly implemented; and
5. Perform other duties as assigned by the Board of Supervisors.

SEC. 9.118. CONTRACT AUTHORITY LIMITATIONS.

Unless otherwise provided for in this Charter, contracts entered into by a department, board or commission having anticipated revenue to the City and County of one million dollars or more, or the modification, amendment or termination of any contract which when entered into had anticipated revenue of one million dollars or more, shall be subject to approval of the Board of Supervisors by resolution.

Unless otherwise provided for in this Charter, and with the exception of construction contracts entered into by the City and County, any other contracts or agreements entered into by a department, board or commission having a term in excess of ten years, or requiring anticipated expenditures by the City and County of ten million dollars, or the modification or amendments

to such contract or agreement having an impact of more than \$500,000 shall be subject to approval of the Board of Supervisors by resolution.

Article X: Personnel Administration

SEC. 10.100. CIVIL SERVICE COMMISSION.

There is hereby established a Civil Service Commission which is charged with the duty of providing qualified persons for appointment to the service of the City and County.

The Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for six-year terms. Not less than two members of the Commission shall be women.

The persons so appointed shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

A commissioner may be removed only upon charges preferred in the same manner as in this Charter provided for elective officers.

The regular meetings of the Commission shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission before final action is taken in any case involving such person or persons.

SEC. 10.101. GENERAL POWERS AND DUTIES.

The Civil Service Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence for employees and officers; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of work; the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal or and permanent; status and status rights; probationary status and the administration of probationary periods, except duration; pre-employment and fitness for duty medical examinations, except for the conditions under which referrals for fitness for duty examinations will be made, and the imposition of new requirements; classification; conflict of interest; and such other matters as are not in conflict with this Charter, provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores, and provided further that rules for leave due to illness or disability shall be approved by the Board of Supervisors. Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes shall thereupon be

printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.

The Commission shall have power to institute and prosecute legal proceedings for violations of any civil service merit system or Department of Human Resources provisions of this Charter.

The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.

The Commission shall by rule establish procedures to review and resolve allegations of discrimination as defined in Article XVII of this Charter or otherwise prohibited nepotism or favoritism appealed to it pursuant to this section. The determination reached under Commission procedures shall be final and shall forthwith be enforced by every employee and officer.

The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter. In any hearing conducted by the Commission or by any hearing officer it appoints pursuant to this section, the Commission or the hearing officer shall have the power to subpoena and require the attendance of witnesses and the production of records.

The Commission may require periodic reports from the Human Resources Director in a manner and form which it shall prescribe.

The Commission may hear appeals from an action of the Human Resources Director in accordance with its rules, including but not limited to:

1. Allegations of discrimination as defined in Article XVII of this Charter. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Commission regarding allegations of discrimination shall forthwith be enforced by every officer and employee;
2. Allegations of fraud; and
3. Allegations of conflict of interest.

No action by the Human Resources Director which is the subject of any appeal shall be stayed during the appeal process except by a majority vote of the Civil Service Commission.

The Commission shall have the power and it shall be its duty to appoint an executive assistant to be the administrative head of the affairs under its control who shall serve at its pleasure; provided, however, that any person who has Civil Service status in the position of executive assistant to the Commission on the effective date of this section as amended shall continue to have Civil Service status ~~or~~ in the position of executive assistant

~~assistant secretary~~ under the Civil Service provisions of this Charter. The executive assistant shall periodically report to the Commission on operation of the civil service merit system and may make recommendations to the Civil Service Commission regarding its rules, policies and procedures.

SEC. 10.102. DEPARTMENT OF HUMAN RESOURCES.

The Department of Human Resources shall consist of a Human Resources Director and such employees as may be necessary to carry out its functions and duties.

Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.

The Department of Human Resources shall be responsible for coordination of all state, local and federal health and safety mandates, programs and requirements relating to employees including but not limited to industrial hygiene programs, health and safety programs, OSHA compliance and return to work programs. Department heads shall coordinate such activities of employees under their jurisdiction with the Human Resources Director.

The Department of Human Resources shall be responsible for policy, management and administration of the worker's compensation program and shall review and determine all applications for disability leave.

Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County.

The Department of Human Resources shall be responsible for management and administration of all health services of employees. The transfer of such power and control to the Department of Human Resources shall occur no later than October 1, 1995.

Except for the purpose of inquiry, the Mayor shall deal with the administration of the civil service merit system solely through the Human Resources Director and the Civil Service Commission or their designees. The Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the matter provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

SEC. 10.103. HUMAN RESOURCES DIRECTOR.

A Human Resources Director shall be selected by the Mayor from candidates nominated by the Civil Service Commission and confirmed by vote of the Board of Supervisors. The Human Resources Director shall possess not less than ten years professional experience in personnel, human resources management, labor or employee relations at least five years of which must be in federal, state or local governmental personnel management and such other qualifications as determined by the Commission. Notwithstanding any other provisions of this Charter, the Human Resources Director shall be appointed by and serve at the pleasure of the Mayor, provided that the Mayor's removal of the Human Resources Director may be rejected by a four-fifths vote of the Commission. Failure of the Commission to act within 30 days shall be deemed approval of the Mayor's action. The nominee of the Mayor may be appointed acting Human Resources Director pending confirmation. The person so appointed shall, before taking office, make under oath and file in the Office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the Office of Human Resources Director in the spirit of this declaration."

The appointment of the Director of the Human Resources Department as of the effective date of this Charter shall be effective until July 1, 1996, after which time he may be reappointed to the position in accordance with the appointment method provided herein.

The Human Resources Director shall have full power to administer the affairs of the Department. He or she shall have all powers of a department head and may appoint a Director of Employee Relations, a Health Services administrator, an executive assistant and one confidential secretary, each of whom shall be exempt from the civil service provisions of this Charter, to assist in the administration and management of the functions of the department.

The Human Resources Director shall review and resolve allegations of discrimination as defined in Article XVII of this Charter against employees or applicants, or otherwise prohibited nepotism or favoritism. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission in accordance with Section 10.101.

The Human Resources Director shall investigate all employee complaints concerning job-related conduct of City and County employees and shall promptly report to the source of the complaint.

The Human Resources Director shall promote effective and efficient management through personnel programs that encourage productivity, job satisfaction and exemplary performance.

The Human Resources Director shall provide a procedure for resolution of employee disputes which shall be consistent with other provisions of this Charter and shall be utilized by all department heads and appointing officers in the absence of an applicable grievance procedure in a binding labor agreement.

The Human Resources Director shall verify that all persons whose names appear on City and County payrolls have been legally appointed to or employed in positions legally established under this Charter. The Controller shall not draw his or her warrant for any claim for salary, wages or compensation which has been disapproved by the Human Resources Director.

Consistent with the foregoing and other applicable provisions of this Charter, the Human Resources Director may delegate to the various appointing officers appropriate personnel responsibilities, and shall consult with appointing officers with respect to Civil Service Commission rules affecting their operations.

The Human Resources Director shall establish a system of job classification. The decision of the Human Resources Director regarding classification matters shall be final unless appealed to the Commission; provided, however, that nothing herein shall be construed to alter the scope of bargaining set forth in the following sections of the 1932 Charter: 8.400, 8.403, 8.404, 8.405, 8.407-1, 8.409 et seq. and 8.590-1 et seq.

The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which the person has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which the employee's department head may temporarily assign the employee.

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chief's aides;

8. Not more than one confidential secretary and executive assistant in each department and agency;

9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.

10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;

11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;

12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);

14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

SEC. 10.105. PROVISIONAL APPOINTMENTS.

Provisional appointments for classified positions for which no eligible list exists shall not exceed three years. Provisional appointments may only be renewed with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department has been unable to conduct examinations for these positions.

Article XI: Employer-Employee Relations System

SEC. 11.100. GENERAL.

Subject to this Charter and consistent with state law, the Mayor through the Human Resources Director or his/her designee and in consultation with the Board of Supervisors shall be responsible for meeting and conferring with employees or their recognized employee organizations regarding salaries, working conditions, benefits and other terms and conditions of employment to be embodied in memoranda of understanding. The Human Resources Director shall assume day-to-day administration of all labor relations responsibilities previously vested in the Mayor or Board of Supervisors.

The Human Resources Director shall submit proposed memoranda of understanding including, where applicable, schedules of compensation, benefits and working conditions to the Mayor, who upon approval shall forward the proposed memoranda of understanding to the Board of Supervisors for determination by a majority vote. The Board of Supervisors shall have the power to accept or reject such memoranda of understanding. It shall be the duty of the Board of Supervisors, upon approval of any such memoranda of understanding to enact appropriate ordinances authorizing payment of any compensation or benefits or other terms and conditions of employment so approved.

Nothing in this section shall supersede any dates specified in this Charter for fixing compensation, except that the Board of Supervisors by motion may extend up to 30 days the date for final adoption of ordinances approving salary and benefits pursuant to such sections. Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 60 days the date for final adoption of ordinances approving salary, benefits and/or working conditions pursuant to such sections.

SEC. 11.101. EMPLOYEE RELATIONS OFFICE.

The Human Resources Director shall:

1. Represent the City and County and/or its departments in the implementation of those provisions of Title I, Division 4, Chapter 10 of the Government Code applicable to the City and County, subject to the Mayor's authority under Charter Section 11.100;
2. Coordinate the meet and confer process between the City and County, its employees and/or their designated representatives;
3. Negotiate and administer memoranda of understanding; and
4. Perform related duties necessary to administer the employee relations functions of the City and County.

Article XII: Employee Retirement and Health Service Systems

SEC. 12.100. RETIREMENT BOARD.

The Retirement Board shall consist of seven members as follows: one member of the Board of Supervisors appointed by the President, three public members to be appointed by the Mayor pursuant to Section 3.100, and three members elected by the active members and retired persons of the Retirement System from among their number. The public members appointed by the Mayor shall be experienced in life insurance, actuarial science, employee pension planning or investment portfolio management, or hold a degree of doctor of medicine. There shall not be, at any one time, more than one retired person on the Board. The term of the members, other than the Board of Supervisors member, shall be five years, one term expiring on February 20th of each year. The three elected members need not be residents of the City and County. Vacancies on the Board shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of elected employee members, a vacancy shall be filled by a special election within 120 days after the vacancy occurs unless the next regularly scheduled employee member election is to be held within six months after such vacancy occurred. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance.

The Board shall appoint and may remove an executive director and an actuary. The Board may employ a consulting actuary.

In accordance with Article XVI, Section 17, of the California Constitution, the Retirement Board shall have plenary authority and fiduciary

responsibility for investment of monies and administration of the Retirement System.

The Board shall be the sole authority and judge, consistent with this Charter and ordinances, as to the conditions under which members of the Retirement System may receive and may continue to receive benefits under the Retirement System, and shall have exclusive control of the administration and investment of such funds as may be established.

The Retirement Board shall discharge its duties with respect to the system with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

The Board shall determine City and County and District contributions on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the System, together with the required member contribution, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contribution rate shall be amortized over a period not to exceed twenty years.

The Board may act by a majority of the members present at a meeting so long as a quorum is in attendance.

SEC. 12.101. EXECUTIVE DIRECTOR.

The executive director shall administer the Retirement System in accordance with the provisions of this Charter and the policies and regulations of the Retirement Board.

SEC. 12.102. HEARING OFFICER.

Any application for retirement or death allowance made pursuant to this Charter shall be heard by a hearing officer employed under contract by the Retirement Board and selected by procedures set forth in its rules, which shall include rules setting forth the qualifications and selection procedure necessary to appoint a qualified and unbiased hearing officer. Following public hearing, the hearing officer shall determine whether such application shall be granted or denied. All expenses related to processing and adjudicating such applications shall be paid from the Trust Fund.

At any time within 30 days after the service of the hearing officer's decision, the applicant or any other affected party, including the Retirement System, may petition the hearing officer for a rehearing upon one or more of the following grounds and no other:

1. That the hearing officer acted without or in excess of the hearing officer's powers;
2. That the decision was procured by fraud;
3. That the evidence does not justify the decision; or

4. That the petitioner has discovered new material evidence which could not, with reasonable diligence, have been discovered and produced at the hearing.

The decision of the hearing officer shall be final upon the expiration of 30 days after the petition for rehearing is denied, or if the hearing is granted, upon the expiration of 30 days after the rendition of the decision. Such final decision shall not be subject to amendment, modification or rescission by the Board, but shall be subject to review by the Board only for the purpose of determining whether to seek judicial review.

SEC. 12.103. TRUST FUND.

The Retirement Fund shall be a trust fund to be administered by the Retirement Board in accordance with the provisions of this Charter solely for the benefit of the active members and retired members of the Retirement System and their survivors and beneficiaries. Administrative costs of the Retirement System, as adopted by the Board of Supervisors in the annual budget shall be paid from the accumulated contributions of the City and County.

The Fund is intended to qualify for tax deferred treatment under Section 401(a) of the Internal Revenue Code of 1986, as amended, and the Board is responsible for preserving the Fund's status.

PART TWO: HEALTH SERVICE SYSTEM

SEC. 12.200. HEALTH SERVICE BOARD.

There shall be a Health Service Board which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; the City Attorney or designated deputy city attorney; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine; and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. Elected members need not reside within the City and County. The terms of members, other than the two ex officio members, shall be five years, one term expiring on May 15 of each year.

A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy in an elective office on the Board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

The Health Service Board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;

2. Apply benefits without special favor or privilege;

3. Put such plans as provided for in Section A8.422 into effect and, through the Human Resources Department, conduct and administer the same and contract therefor and use the funds of the System;

4. Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions and the admission to the System of persons who are hereby made members, and such other officers and employees as may voluntarily become members with the approval of the Board; and

5. Receive, consider and, within 60 days after receipt, act upon any matter pertaining to the policies of, or appeals from, the Health Service System submitted to it in writing by any member or any person who has contracted to render medical care to the members.

SEC. 12.201. MEDICAL DIRECTOR AND HEALTH SERVICES ADMINISTRATOR.

The Health Service Board may appoint a full-time or part-time medical director. He or she shall hold office at its pleasure. The medical director shall be responsible to the Board as a board, but not to any individual member or committee thereof. The Human Resources Director shall appoint a full-time administrator with experience in administering health plans or in comparable work, who shall hold office at the Human Resources Director's pleasure. The Board and each committee of the Board shall confine its activities to policy matters and to matters coming before it as an appeals board. The Board shall prepare its rules, regulations and policies so that they are clear, definite and complete and so that they can be readily administered by the Human Resources Department.

SEC. 12.202. MEMBERSHIP IN HEALTH SERVICE SYSTEM.

The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents and retirees as provided by ordinance.

SEC. 12.203. HEALTH SERVICE SYSTEM FUND.

The Health Service System Fund shall be a trust fund administered by the Health Service Board in accordance with the provisions of this Charter solely for the benefit of the active and retired members of the Health Service System and their covered dependents. The City and County, School District and Community College District shall each contribute to the Health Service System Fund amounts sufficient to efficiently administer the Health Service System.

Article XIII: Elections

SEC. 13.100. CITY AND COUNTY ELECTIONS.

The Board of Supervisors shall adopt an Elections Code consistent with the provisions of this Charter. Where not otherwise provided by this Charter

or by ordinance, all City and County elections shall be governed by the provisions of applicable state laws.

SEC. 13.101. TERMS OF ELECTIVE OFFICE.

Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

Subject to the applicable provisions for municipal runoff elections, the elected officers of the City and County shall be elected as follows:

At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

At the statewide general election in 1996 and every fourth year thereafter, six members of the Board of Supervisors, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

At the general municipal election in 1997 and every fourth year thereafter, a City Attorney and a Treasurer shall be elected.

At the statewide primary election in 1998 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

At the statewide general election in 1998 and every fourth year thereafter, five members of the Board of Supervisors, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

SEC. 13.102. MUNICIPAL RUNOFF ELECTIONS.

If no candidate for any elective office of the City and County, except the Board of Supervisors, the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election. A runoff election for the office of Mayor, Sheriff, District Attorney, City Attorney and Treasurer shall be held on the second Tuesday of the next ensuing December. A runoff election for Assessor-Recorder and Public Defender shall be held at the next general election.

SEC. 13.103. SPECIAL MUNICIPAL ELECTIONS.

Special municipal elections may be called in accordance with state laws.

The date of any special municipal election shall be fixed by the Board of Supervisors not less than 105 nor more than 120 days from the date of calling such election; however, no special municipal election shall be held within 105 days of any general municipal or statewide election. The Board of

Supervisors may consolidate a special municipal election with a general municipal or statewide election.

The Board of Supervisors shall maintain a fund sufficient to pay all costs and expenses of the City and County with respect to a special municipal election, and such fund shall be used solely to pay the costs of such an election. Upon payment of any such costs or expenses, an appropriation shall be made in the next succeeding annual appropriations ordinance sufficient to reimburse the fund.

SEC. 13.104. DEPARTMENT OF ELECTIONS.

A Department of Elections shall be established to conduct all public federal, state, district and municipal elections in the City and County. The department will be administered by the Director of Elections, who shall be vested exclusively with the conduct and management of voter registration and matters pertaining to elections in the City and County.

The Director shall be appointed by the City Administrator from a list of qualified applicants provided pursuant to the civil service provisions of this Charter. The Director may be removed by the City Administrator for cause, subject to appeal to the Civil Service Commission.

For purposes of this section, the conduct of elections shall include, but not be limited to: voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.

SEC. 13.105. NOMINATION.

The City and County shall follow the nomination provisions for municipal elective offices in accordance with state laws, except as provided for by ordinance or this Charter.

SEC. 13.106. QUALIFICATION.

Each candidate for an elective office of the City and County shall be a resident of the City and County and an elector at the time that nomination papers are issued to the candidate, and each elected officer shall continue to be an elector during the term of the office.

SEC. 13.107. ELECTION MATERIAL MAILED TO VOTERS.

The Board of Supervisors shall, by ordinance, provide for the format of a voters' pamphlet including a sample ballot, candidates' statements, lists of sponsors, arguments for and against each ballot measure, any financial impact statements prepared by the Controller, and arguments for and against the recall of any officers. The voters' pamphlet shall be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election.

SEC. 13.108. DETERMINATION OF ELECTION RESULTS.

The canvass of votes cast, and certification of elections shall be as prescribed by law. If a person elected fails to qualify or for any reason does not take office, the office shall be filled in the manner prescribed by state law for the filling of a vacancy in such office.

SEC. 13.109. FILING FEES.

The amount of fees to be charged for candidate filings, candidate statements, paid arguments and any other fees to be collected in the conduct of elections shall be proposed by the Director of Elections for approval by the Board of Supervisors on or before the second Monday in December immediately prior to the election in which the fees apply.

Signatures of registered voters in the City and County may be submitted in lieu of any filing fee. At the same time the Board of Supervisors approves the schedule of fees for the election, the Director of Elections, with the approval of the Board of Supervisors, shall establish the dollar value equivalent of each valid signature submitted.

Article XIV: Initiative, Referendum and Recall

SEC. 14.100. GENERAL.

Except as otherwise provided in this Article, the voters of the City and County shall have the power to enact initiatives and the power to nullify acts or measures involving legislative matters by referendum.

SEC. 14.101. INITIATIVES.

An initiative may be proposed by presenting to the Director of Elections a petition containing the initiative and signed by voters in a number equal to at least five percent of the votes cast for all candidates for mayor in the last preceding general municipal election for Mayor. Such initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate of sufficiency executed by the Director of Elections, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the petition containing the initiative is signed by voters in a number equal to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is

within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.

SEC. 14.102. LEGISLATIVE REFERENDUM.

Prior to the effective date of an ordinance, a referendum on that ordinance may be proposed by filing with the Board of Supervisors a petition protesting the passage of that ordinance. Such petition shall be signed by voters in a number equal to at least ten percent, or in the case of an ordinance granting any franchise, at least five percent, of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor.

Such ordinance shall then be suspended from becoming effective. The Board of Supervisors shall reconsider the ordinance. If it is not entirely repealed, the Board of Supervisors shall submit the ordinance to the voters at the next general municipal or statewide election or at a special municipal election. Such ordinance shall not become effective until approved by voters at such an election.

SEC. 14.103. RECALL.

An elected official of the City and County, the City Administrator, the Controller, or any member of the Airports Commission, the Board of Education, the governing board of the Community College District, the Ethics Commission or the Public Utilities Commission may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

A recall petition shall include the signatures of voters in a number equal to at least ten percent of registered voters of the City and County at time of the filing of the notice of intention to circulate the recall petitions. A recall petition shall state the grounds on which the recall is based.

Upon certifying the sufficiency of the recall petition's signatures, the Director of Elections shall immediately call a special municipal election on the recall, to be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the recall shall be submitted at such general municipal or statewide election.

SEC. 14.104. PETITIONS -- WITHDRAWAL OF SIGNATURES.

A person signing a petition for initiative, referendum or recall may withdraw his or her name from such petition by filing with the Director of

Elections a verified revocation of that signature prior to the filing of such petition itself.

Article XV: Ethics

SEC. 15.100. ETHICS COMMISSION.

The Ethics Commission shall consist of five members who shall serve four-year terms. The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Controller each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Controller shall have a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.

In the event a vacancy occurs, the officer who appointed the member vacating the officer shall appoint a qualified person to complete the remainder of the term. Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the Mayor only pursuant to Section 15.105.

No person may serve more than one term as a member of the Commission, provided that persons appointed to less than four-year terms shall be eligible to be appointed to one additional four-year term. During his or her tenure, neither a member of the Commission nor its executive director may: hold any other public office or any employment with the City or any City officer; participate in or contribute to a campaign involving a candidate for City office, a City ballot measure or a City official seeking any elective office; or employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist under the City's lobbyist ordinance, a person who employs someone required to register as a lobbyist under the City's lobbyist ordinance, or a person who is employed by or holds office in an organization that makes political endorsements.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

SEC. 15.101. EXECUTIVE DIRECTOR.

The Commission shall appoint and may remove an Executive Director. The Executive Director shall have a background in campaign finance, public information and public meetings and the law as it relates to governmental ethics. The Executive Director shall be the chief executive of the department and shall have all the powers provided for department heads. The Commission shall have the power to appoint auditors and investigators, who shall serve at the Commission's pleasure. Subject to the civil service provisions of this Charter, the Executive Director shall have the power to appoint and remove other employees of the Commission and the Department.

SEC. 15.102. RULES AND REGULATIONS.

The Commission may adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of this Charter and ordinances related to campaign finances, conflicts of interest, lobbying and governmental ethics and to govern procedures of the Commission. In addition, the Commission may adopt rules and regulations related to carrying out the purposes and provisions of ordinances regarding open meetings and public records. The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within 24 hours of their adoption. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60 day period two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation.

The City Attorney shall be the legal advisor of the Commission. If the City Attorney determines in writing that he or she cannot, consistent with the rules of professional conduct, provide advice sought by the Commission, the City Attorney may authorize the Commission to retain outside counsel to advise the Commission.

Any ordinance which the Supervisors are empowered to pass relating to conflicts of interest, campaign finance, lobbying or governmental ethics may be submitted to the electors at the next succeeding general election by the Ethics Commission by a four-fifths vote of all its members.

SEC. 15.103. CONFLICT OF INTEREST.

All officers and employees of the City and County shall be subject to all state laws and City ordinances proscribing conflicts of interest and incompatible activities, as well as the provisions of Section C8.105. Any violation of such laws shall be official misconduct and shall be a basis for discipline and/or removal, in addition to any other penalties prescribed by law.

SEC. 15.104. PENALTY FOR OFFICIAL MISCONDUCT.

Any person found guilty of official misconduct shall forfeit his or her office, and shall be forever after disbarred and disqualified from being elected, appointed or employed in the service of the City and County.

SEC. 15.105. SUSPENSION AND REMOVAL.

Any elective officer, and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Ethics Commission, Health Commission, Human Services Commission, Juvenile Probation Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community College Board may be suspended by the Mayor and removed by the Board of Supervisors for official misconduct, and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. On such suspension, the Mayor shall immediately notify the Ethics Commission and Board

of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. Hearing by the Ethics Commission shall be held not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

Members of the Building Inspection Commission appointed by the Mayor may be suspended and removed pursuant to the provisions set forth above. Members of the Commission appointed by the President of the Board of Supervisors may be suspended and removed pursuant to the same procedures, except that the President of the Board shall act in place of the Mayor.

The Mayor must immediately remove from office any elective official convicted of a crime involving moral turpitude, and failure of the Mayor so to act shall constitute official misconduct on his or her part. Any appointee of the Mayor or the Board of Supervisors guilty of official misconduct or convicted of crime involving moral turpitude must be removed by the Mayor or the Board of Supervisors, as the case may be, and failure of the Mayor or any Supervisor to take such action shall constitute official misconduct on their part.

SEC. 15.106. DUAL OFFICE HOLDING.

Any person holding an office under the City and County with an annual salary in excess of \$2,500 whether by election or by appointment, who shall, during his or her term of office, hold or retain any other office with such a salary under the government of the United States, the State of California, or the City and County shall be deemed to have thereby vacated the office held by him or her under the City and County.

SEC. 15.107. REPORTING OF CAMPAIGN FINANCING.

The Board of Supervisors shall, by ordinance, prescribe requirements for campaign contributions and expenditures and any limitations thereon with respect to candidates for elective office and ballot measures in the City and County.

SEC. 15.108. EMPLOYMENT OF FORMER MAYOR OR SUPERVISOR.

No person shall be eligible for a period of one year after the last day of service as Mayor or member of the Board of Supervisors for appointment to any full-time, compensated employment with the City and County. This restriction shall not apply to a former Mayor or Supervisor elected to an office of the City and County, appointed to fill a vacancy in an elective

office of the City and County, or appointed to a board or commission in the executive branch. ~~extend to an elective or appointive office of the City and County.~~

Article XVI: Miscellaneous Provisions

SEC. 16.100. CABLE CARS.

In the conduct of the public transportation system there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach; returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this section, these lines shall be maintained and operated at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the increasing of the levels of scheduling and service.

SEC. 16.101. ACQUISITION OF PUBLIC UTILITIES.

It is the declared purpose and intention of the people of the City and County, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the City and County. Whenever the Board of Supervisors, as provided in Sections 9.106, 9.107 and 9.108 of this Charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Sections 9.110 and 14.101 of this Charter, for the acquisition of any public utility or utilities, the Supervisors must procure a report from the Public Utilities Commission thereon.

SEC. 16.102. TRANSIT-FIRST POLICY.

The following principles shall constitute the City and County's transit-first policy. All officers, commissions and departments shall consider these principles in conducting the City and County's affairs:

1. Transit first is, has been and shall continue to be the policy of the City and County of San Francisco;
2. The efficient movement of people and goods is essential for the economic health and quality of life in San Francisco;
3. Public transportation is an economically and environmentally sound alternative to transportation by individual automobiles;
4. The designation of streets as public transit only and/or public transit and commercial only reduces excessive vehicular traffic congestion on the City's streets, thereby relieving traffic congestion and facilitating the protection of sensitive areas and healthful air quality;
5. Enforcement of pedestrian zones enhances the safety of pedestrians; and
6. The effective implementation of the City's transit-first policy requires the cooperation of all City agencies, departments and commissions.

SEC. 16.103. UTILITY REVENUES AND EXPENDITURES.

(a) Receipts from each utility operated by the Public Utilities Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz:

1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;
2. For repairs and maintenance;
3. For reconstruction and replacements as hereinafter described;
4. For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extension;
5. For extensions and improvements; and
6. For a surplus fund.

(b) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the

basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

1. If, at the end of any fiscal year, the Controller certifies that excess surplus funds of a utility exist, then such excess surplus funds may be transferred by the Board of Supervisors to the General Fund of the City and County, and shall be deposited by the Commission with the Treasurer to the credit of such General Fund. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds in excess of 25 percent of the total expenditures of such utility in the previous fiscal year for costs of operation, repair and maintenance.

2. If, as part of the budgeting process, the Controller estimates that there will exist, at the end of the budget year, excess surplus funds of a utility, the Board of Supervisors may budget such excess as revenue to the General Fund for that budget year. During the budget year, the Commission shall deposit with the Treasurer a pro rata portion of the then-estimated excess surplus funds no less frequently than quarterly. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds in excess of 25 percent of the total expenditure of such utility in the previous fiscal year for costs of operation, repair and maintenance.

3. At any time, the Commission may, with the concurrence of two-thirds of the Board of Supervisors, authorize the transfer of any portion of a utility's surplus funds to the General Fund upon making all of the following findings of fact and judgment:

(A) That a surplus exists or is projected to exist after meeting the requirements of this section;

(B) That there is no unfunded operating or capital program that by its lack of funding could jeopardize health, safety, water supply or power production;

(C) That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and

(D) That such a transfer of funds in all other respects reflects prudent utility practice.

The Commission shall make such findings having received reports from the manager of utilities and a public hearing which shall have received no less than 30 days of public notice.

4. The provisions of subsection (b) above shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.

SEC. 16.104. AIRPORT REVENUE FUND.

Subject to the budget and fiscal provisions of this Charter:

(a) The entire gross revenue of the Airport Commission shall be set aside and deposited into a fund in the City and County treasury to be known as the "Airport Revenue Fund." All amounts paid into the Fund shall be maintained by the Treasurer separate and apart from all other City and County funds and shall be secured by the Treasurer's official bond or bonds.

Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the Commission.

(b) Monies in the Airport Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related facilities owned, operated or controlled by the Commission and only in accordance with the following priority:

1. The payment of operation and maintenance expenses for such airports or related facilities;
2. The payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the Commission may establish or the Board of Supervisors may require with respect to employees of the Commission;
3. The payment of principal, interest, reserve, sinking fund and other mandatory funds created to secure revenue bonds hereafter issued by the Commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the Commission;
4. The payment of principal and interest on general obligation bonds heretofore or hereafter issued by the City and County for airport purposes;
5. Reconstruction and replacement as determined by the Commission or as required by any airport revenue bond ordinance duly adopted and approved;
6. The acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the Commission in the promotion and accommodation of air commerce or navigation and matters incidental thereto;
7. The return and repayment into the General Fund of the City and County of any sums paid by the City and County from funds raised by taxation for the payment of interest on and principal of any general obligation bonds previously issued by the City and County for the acquisition, construction and improvement of the San Francisco International Airport;
8. For any other lawful purpose of the Commission including, but not limited to, transfer to the General Fund during each fiscal year of 25 percent, or such lesser percentage as the Board of Supervisors shall establish, of the non-airline revenues as a return upon the City and County's

investment in the Airport. "Non-airline" revenues means all airport revenues from whatever source less revenues from airline rentals and charges to airlines for use of Airport facilities.

SEC. 16.105. CALIFORNIA ACADEMY OF SCIENCES.

All buildings and improvements erected by or under the authority of the California Academy of Sciences, in or on property owned or controlled by the City and County, including but not limited to the Steinhart Aquarium, the original Natural History Museum, the Simson African Hall and the additions housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, are the property of the City and County. However, the buildings and improvements, and the activities and personnel therein shall be managed and controlled exclusively by the California Academy of Sciences, except that employees of the City and County shall be subject to the personnel provisions of this Charter and their compensation fixed in accordance with this Charter and City and County funds are subject to the financial provisions of this Charter.

The California Academy of Sciences shall submit to the Mayor and Board of Supervisors an annual financial statement of its activities in connection with the operation of the buildings described in this section.

Nothing herein shall abrogate any trust by which any property of the California Academy of Sciences has been acquired.

SEC. 16.106. CULTURAL, EDUCATIONAL AND RECREATIONAL APPROPRIATIONS.

The Board of Supervisors shall annually appropriate:

1. To the Arts Commission, the revenue from a tax of one-eighth of one cent (\$.00125) per one hundred dollars (\$100) of taxable assessed valuation in the City and County for maintaining a symphony orchestra;

2. To the Asian Art Commission, an amount sufficient for the purpose of maintaining, displaying, and providing for the security of the City and County's collection of Asian art;

3. To the California Academy of Sciences, funds necessary for the maintenance, operation and continuance of the Steinhart Aquarium; the Board of Supervisors shall have the power to furnish to the California Academy of Sciences such funds as the Board shall deem proper for the maintenance, operation and continuance of any or all other of the buildings and improvements placed under the control of the California Academy of Sciences;

4. To the Fine Arts Museums Board of Trustees, an amount sufficient for the purpose of maintaining, operating, providing for the security of, expanding and superintending the fine arts museums and for the purchase of objects of art, literary productions and other personal property;

5. To the War Memorial and Performing Arts Center Board of Trustees, an amount sufficient to defray the cost of maintaining, operating and caring for the War Memorial and Performing Arts Center;

6. To the Library Commission, the revenue from a minimum tax of one cent (\$.01) per hundred dollars (\$100) of taxable assessed valuation for constructing, maintaining and improving the library system of the City and County;

7. To the Recreation and Park Commission, the revenue from a minimum tax of two and one-half cents (\$.025) per one hundred dollars (\$100) of taxable assessed valuation for constructing, maintaining and improving parks and squares, and the revenue from a minimum tax of one and three quarter cents (\$.0175) per one hundred dollars (\$100) of taxable assessed valuation for constructing, maintaining and improving playgrounds; and

8. To the Arts Commission, for the City and County-owned Community Cultural Centers, an amount sufficient for the purpose of maintaining, operating, providing for the security and superintending of their facilities and grounds, and for the purchase of objects of art, literary productions and other property, and for their expansion and continuance in the City and County of San Francisco.

SEC. 16.107. OPEN SPACE ACQUISITIONS AND PARK RENOVATION FUND.

(a) Establishment Of Fund. There is hereby established the Park and Open Space Fund ("Fund") to be administered by the Recreation and Park Commission. Monies in the Fund shall be appropriated, allocated, transferred, expended or used consistent with, and to implement, the "Recreation and Open Space Element of the General Plan" ("Plan") and the "Programs for Implementation of the Recreation and Open Space Element of the General Plan" ("Programs"), as provided for herein. The Fund shall be used for the purposes set forth in subsection (d) below.

(b) Interagency Cooperation. Consistent with the Plan and Programs, lands currently under the jurisdiction of any City agency may be acquired or developed with the Fund provided for herein. The Recreation and Park Commission, Port Commission, Department of Public Works, Water Department, or their successors, and all other City agencies, are hereby authorized to enter into contracts appropriate to carry out the purposes of this section. Unless approved by a two-thirds vote of the Board of Supervisors, the amount paid for any lands purchased or acquired in fee from any other public agency or City department or agency shall be no greater than the most recent selling price for such lands.

(c) Annual Tax. There is hereby imposed for a period of 15 years starting with the fiscal year 1990-91, an annual tax of two and one-half cents (\$.025) for each one hundred dollars (\$100) assessed valuation. Revenues obtained thereby shall be in addition to, and not in place of any sums normally budgeted for the Recreation and Park Department and, together with interest earned thereon, shall be deposited into the Fund. In addition, all grants, gifts and bequests paid to the City and County for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the Fund. Establishment of this Fund is

not intended to preclude any other similar programs or any similar use of funds by the City and County or any department, agency, commission or instrumentality thereof. All amounts paid into the Fund shall be maintained by the Treasurer, separate and apart from all other City and County funds, and shall be secured by his or her official bond.

(d) Use And Allocation Of The Fund. Each year, the Recreation and Park Commission and City Planning Commission shall hold at least one joint public hearing at which, by a majority of each commission and with the concurrence of the Board of Supervisors, they shall adopt a budget for the allocation and expenditure of the Fund which is consistent with and implements the Plan and Programs. Not more than 40 percent of the Fund may be allocated for maintenance of properties acquired pursuant to this section between its enactment in 1974 and fiscal year 1990-1991. As used herein, "maintenance" means salaries and equipment attributable to any work on an existing facility or on real property which does not result in a physical net increase in usable square footage, use or programs, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and includes the sustained maintenance and volunteer coordination program mandated in subsection (f). The remainder of the Fund ("Remainder of the Fund") shall be allocated according to the following schedule:

1. Acquisition And Development. At least 40 percent of the Remainder of the Fund shall be allocated for the acquisition and development of real property. In allocating funds between acquisition and development, it shall be the policy of the Recreation and Park Department particularly to pursue acquisition at the beginning of the 15-year program created by this section, in order to take full advantage of short-term opportunities to acquire properties before their values increase.

As used herein, "acquisition" includes, but is not limited to, purchase, lease, exchange, eminent domain, permission for use and any other right, whether revocable or not, to use real property, or any interest therein or improvement or development rights thereon, for recreational purposes; provided that notwithstanding anything herein to the contrary, no acquisition of less than fee simple title may be for a term of less than ten years.

As used herein, "development" includes, but is not limited to, designing specific parks or facilities for which monies have been allocated for acquisition and development under this subsection, establishment of trails, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and establishment and funding of recreational programs other than after school recreation programs in high need areas as defined in the Plan; provided that in any given year no more than five percent of the Remainder of the Fund may be used for such recreational programs.

2. Renovation. At least 15 percent of the Remainder of the Fund shall be allocated for renovation. As used herein, "renovation" means salaries and equipment attributable to any work on any existing facility or real property under the jurisdiction of the Recreation and Park Commission which results in a physical net increase in usable square footage, use or programs.

3. Maintenance And Administration. Up to 25 percent of the Remainder of the Fund shall be allocated for maintenance of real property and recreational facilities acquired pursuant to this subsection subsequent to 1990-1991; for programs other than those specified in paragraph (4) of this subsection; and for administration of the Fund. Monies allocated pursuant to this subsection may be used for the maintenance of recreational facilities on real property under the jurisdiction of any City agency that has made it available for use as a recreational facility.

As used herein, "maintenance" means salaries and equipment attributable to any work on any existing facility or on real property which does not result in a physical net increase in usable square footage, use or programs, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and includes a sustained maintenance and volunteer coordination program.

4. After-School Recreation Programs. Twenty percent of the Remainder of the Fund shall be used for the operation of after school recreation programs.

5. Banking Of Funds. Monies may be allocated under any paragraph of this subsection to be set aside for expenditure on specifically identified projects in future years; however, such monies shall not count against any allocation required by this subsection. If such monies are not spent on the project for which they were set aside, they shall be returned to the Fund and be reallocated consistent with this subsection.

6. Annual Transfer And Adjustment Of Allocations. In any given year, 15 percent of the remainder of the Fund may be transferred from Acquisition and Development to Renovation, if such transfer is necessary to take advantage of a special, one-time renovation opportunity that will result in savings which would otherwise not be possible. In any given year, seven and one-half percent of the Remainder of the Fund may be transferred from Renovation to Acquisition and Development if such transfer is necessary to take advantage of a special, one-time Acquisition or Development opportunity, that will result in savings which would otherwise not be possible. However, such transfers may not result in the inconsistency of any five-year average of allocations for either Acquisition and Development or Renovation with the provisions of paragraphs (a) or (b) of this subsection. Any adjustments pursuant to this paragraph, and their consequences on any five-year average of allocations, must be included in the annual report.

7. Five Year Renovation And Maintenance Plans. The Park and Open Space Advisory Committee shall recommend, and the Recreation and Park Commission shall adopt, five-year plans for Acquisition and Development, Renovation and Maintenance, which shall implement the plan and programs, and with which expenditures under this subsection shall be consistent. These plans shall be updated annually, except that they should not be amended or updated as part of the annual budget process.

8. Reversion Of Uncommitted Funds. Notwithstanding any other provisions of this section, any funds set aside pursuant to this subsection that are not allocated at the end of any fiscal year, together with accrued interest, shall be carried forward to the next fiscal year and shall be appropriated by the Board of Supervisors for any of the purposes enumerated in this section.

9. Prohibition Of Reallocation Of Fund. Except as specifically and explicitly permitted in subsection (d)(6), the allocation of the Fund may not be amended, adjusted or changed.

(e) The Planning Commission and Recreation and Park Commission shall hold at least one joint public hearing annually at which they shall receive and review an annual report from the General Manager of the Recreation and Park Department on the implementation of this section and the acquisition, development, renovation and maintenance of open space and recreational facilities, and the funding of after-school and other recreation programs during the preceding year.

The annual report shall, at a minimum, include the following information:

1. The amount of monies and percentage of the Fund allocated and spent in each of the allocation categories set forth in subsection (d);
2. The projects, on a site-by-site basis that were undertaken or paid for, in part or in whole, with monies from the Fund;
3. For each project, the total cost and percentage of the total cost that was spent for design, construction and management; and,
4. For each project, the time between the date funds became available and the date the project was completed, or if not completed, the percentage of completion at the time of the report and the anticipated date of completion.

(f) Sustained Maintenance And Volunteer Coordination Program. In order to better fulfill the goals and purposes of the Plans and Programs and of this section by reducing ongoing and future maintenance costs, the Recreation and Park Department shall use monies allocated pursuant to paragraph (3) of subsection (d) to:

1. Prepare written guidelines for the design of new parks and open spaces and the renovation or rehabilitation of existing parks and open spaces which require low maintenance, ecological appropriateness (i.e. use of native species, low water usage), and self-sustaining landscapes and landscaping; and
2. Establish and fund an office of volunteer coordination which will organize, train and coordinate a City-wide volunteer program to assist City residents and gardeners in the maintenance, supervision and clean-up of parks, playgrounds and open spaces.

(g) Park And Open Space Advisory Committee. The Fund shall be administered by the Recreation and Park Commission with the advice of the Park and Open Space Advisory Committee. As part of the allocation process for the first year after this section takes effect, the Committee and the Recreation and Park Department shall adopt a five-year plan for allocation of the Fund in compliance with subsection (d). This five year plan shall be updated for another year during each subsequent annual allocation process.

The Committee shall consist of 23 members, each appointed to a two-year term, as follows:

1. One member appointed by the Mayor;
2. One member appointed by each Supervisor and approved by the Board of Supervisors; and
3. A second member appointed by each Supervisor, and approved by the Board of Supervisors, from a list of individuals representing citizens' organizations which have as a major goal the preservation and enhancement of San Francisco's parks, open space and natural environment; persons on this list shall be nominated only by a qualifying organization.

The Committee shall choose its own chair, and establish its own rules of order. A quorum shall be a majority of the members of the Committee.

The Committee shall hold regularly scheduled meetings. The Committee shall send a schedule of all Committee meetings for the calendar year to any person who so requests in writing.

SEC. 16.108. CHILDREN'S FUND.

(a) There is hereby established a fund to expand children's services, which shall be called the Children's Fund and shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation. Monies therein shall be expended or used solely to provided expanded services for children as provided in this section.

(b) There is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of one and one-quarter cents (\$.0125) per one hundred dollars (\$100) of assessed valuation for the first fiscal year which begins 90 days or more after the election which approves this section, and revenues equivalent to an annual tax of two and one half cents (\$.025) per one hundred dollars (\$100) of assessed valuation for each of the following nine fiscal years. The Treasurer shall set aside and maintain such amount, together with any interest earned thereon, in the Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this section.

(c) Monies in the Fund shall be used exclusively to provide services to children less than 18 years old, above and beyond services funded prior to adoption of this section. To this end, monies from the Fund shall not be appropriated or expended to fund services provided during fiscal year 1991-

1992, whether or not the cost of such services increases, or appropriated or expended for services which substitute for or replace services provided during fiscal years 1990-1991 or 1991-1992, except and solely to the extent of services for which the City ceases to receive federal, state or private agency funds, which the funding agency required to be spent only on the services in question.

(d) Services for children eligible for Fund assistance shall include only child care; job readiness, training and placement programs; health and social services (including pre-natal services to pregnant adult women); education programs; recreation; delinquency prevention; and library services, in each case for children.

Services for children paid for by the Fund shall not include:

1. For example, and not for purposes of limitation, services provided by the Police Department or other law enforcement agencies; by courts, the District Attorney, Public Defender or City Attorney; by the Fire Department; detention or probation services mandated by state or federal law; or public transportation;
2. Any service which benefits children incidentally or as members of a larger population including adults;
3. Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;
4. Acquisition of any capital item not for primary and direct use by children;
5. Acquisition (other than by lease for a term of ten years or less) of any real property; or
6. Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children, or of any recreation or park facility (including a zoo), library facility, or hospital.

(e) During each fiscal year, a minimum of 25 percent of such funds shall be used for child care, a minimum of 25 percent for job readiness, training and placement, and a minimum of 25 percent for health and social services for children (including pre-natal services for pregnant adult women). Beginning with the fifth fiscal year during which funds are set aside under this section, the Board of Supervisors may modify or eliminate these minimum requirements.

No later than December of each calendar year, the Mayor shall prepare and present to the Board of Supervisors a Children's Services Plan. The Plan shall propose goals and objectives for the Fund for the fiscal year beginning the following July 1, propose expenditures of monies from the Fund for the fiscal year beginning the following July 1 and designate the City department which would administer the funded programs. In connection with preparation of the Plan, and prior to the date required for presentation to the Board of Supervisors, the Health Commission, Juvenile Probation Commission, Human Services Commission, Recreation and Parks Commission and Public Library

Commission shall each hold at least one public hearing on the Plan. Joint hearings may be held to satisfy this requirement. Any or all of the commissions may also hold additional hearings before or after presentation of the Plan.

(g) The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the ten years during which funds are required to be set aside under this section below the higher of the amount so appropriated for the fiscal year 1990-1991 or the amount so appropriated for the fiscal year 1991-1992, in either case as adjusted. Not later than three months after the election which approves this section, the Controller shall calculate and publish the applicable base amount, specifying by department and program each amount included in the base amount. The base amount shall be adjusted for each year after the base year, based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City appropriations from the base year, as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by an adjustment in the next year's estimate. For purposes of this subsection, aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City. Within 90 days following the end of each fiscal year through 2001-2002, the Controller shall calculate and publish the actual amount of City appropriations for services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law).

SEC. 16.109. LIBRARY PRESERVATION FUND.

(a) There is hereby established a fund for libraries, which shall be called the Library Preservation Fund and shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation pursuant to this Charter. Monies therein shall be expended or used exclusively by the Library Department solely to provide library services and materials and to operate library facilities in accordance with this section.

(b) So long as the Library Preservation Fund exists as provided in this section, the following requirements shall apply:

1. The Library Department shall operate no fewer than 26 branch libraries, a main library and a library facility for the blind (which may be at a branch or main library);
2. Not later than November 1, 1994, at least one public hearing shall be held at the main and each branch library, which at least one library commissioner shall attend and which shall receive the results of a survey of users' preferences as to the facility's operating hours;
3. Effective no later than January 1, 1995, the Library Commission shall establish service hours for the main and each branch

library, which shall not be reduced during the five years beginning January 1, 1995; total annual average service hours shall be at least 1028 hours per week (that is, a level approximating the total service hours during fiscal year 1986-1987);

4. The public hearing process specified in paragraph 2 shall be repeated at five year intervals, being completed no later than November 1 of the year in question; and

5. Following the subsequent public hearings, the Library Commission may modify the individual and aggregate service hours established under paragraph 3, for the five-year period beginning January 1, 2000 or January 1, 2005 respectively, based on a comprehensive assessment of needs and the adequacy of library resources.

Increasing library hours throughout the system and acquiring books and materials shall receive priority in appropriating and expending fund monies to the extent the funds are not needed to meet the preceding requirements of this subsection. Any requirement of this subsection may be modified to the extent made necessary by a fire, earthquake or other event which renders compliance with the requirement impracticable.

(c) There is hereby set aside for the Library Preservation Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of two-and-one-half cents (\$0.025) per one hundred dollars (\$100) of assessed valuation for each of the fifteen fiscal years beginning with fiscal year 1994-1995. The Treasurer shall set aside and maintain such amount, together with any interest earned thereon, in the Fund, and any amount unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter solely for the purposes specified in this section. The Fund shall be in addition to any other funds set aside for libraries.

(d) The Fund shall be used to increase the aggregate City appropriations and expenditures for services, materials and operation of facilities provided by the Library Department. To this end, the City shall not reduce the amount of City appropriations for the Library Department (not including appropriations from the Library Preservation Fund) in any of the fifteen years during which funds are required to be set aside under this section below the amount so appropriated, including appropriations from the Children's Fund pursuant to this Charter and including all supplemental appropriations, for the fiscal year 1992-1993, adjusted as provided below. The base amount shall be adjusted for each fiscal year after 1992-1993 based on calculations consistent from year-to-year, by the percentage increase or decrease in aggregate City appropriations for all purposes from the base year as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by adjustment in the next year's estimate. For purposes of this subsection, (i) aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City, and (ii) Library Department appropriations shall not include funds appropriated to the Library Department to pay for services of other City departments or agencies, except for departments or agencies for whose services the Library Department was appropriated funds in fiscal year 1993-1994. Within 90 days following the

end of each fiscal year through fiscal year 2008-2009, the Controller shall calculate and publish the actual amount of City appropriations for the Library Department.

SEC. 16.110. REVENUES FOR PUBLIC TRANSIT.

It is the policy of the City and County of San Francisco to use parking-related revenues, where available, to support public transit. To the extent allowed by law, there is hereby set aside from the general revenues of the City and County for the operations and capital improvements of the Department of Public Transportation for each fiscal year an amount equivalent to the City and County's share of revenues realized from:

1. Parking meters, except those amounts to be credited to the off-street parking fund as provided in Traffic Code Section 213 and those amounts collected from parking meters operated by the Recreation and Park Department and the Port Commission;

2. City-owned off-street parking facilities, including facilities leased to private owners and non-profit corporations, except those amounts to be credited to the off-street parking fund or otherwise dedicated as provided in Traffic Code Section 213 and except those amounts generated from any parking on or below any land or facilities under the jurisdiction of the Recreation and Park Department;

3. Fines, forfeited bail, or penalties for parking violations, except those amounts to be credited to the courthouse construction fund as provided in Administrative Code Section 10.117-35; and,

4. The tax on occupation of parking spaces, except for the amounts attributable to any surcharges imposed since 1978 and except for the amounts set aside for senior citizens' programs as provided in Section 615 of Part III of the Municipal Code.

In determining the amounts to be credited to the off-street parking fund as set forth in subparagraphs (1) and (2) above, sufficient revenues shall be credited to such fund to ensure adequate funding for the purposes for which such fund was created, including without limitation the following: capital outlays for the acquisition of property, construction, completion, and leasing of public parking lots, storage space, garages, structures, and other off-street parking facilities; maintenance and operation of such parking facilities; public works improvements that increase the supply of on-street parking; engineering and construction of on-street parking bays in parking meter districts in neighborhood commercial districts; installation and maintenance of on and off-street parking meters; and the administration of the parking programs of the City and County.

The Treasurer shall set aside and maintain said amounts, together with any interest earned thereon, in a special fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of the Charter, shall be appropriated then or thereafter for the purposes specified in this section.

To the extent allowed by law, the Board of Supervisors may, by ordinance, dedicate additional revenues to the department of public transportation from sources including, but not limited to, gas taxes, motor vehicle licensing taxes or other available motor vehicle-related revenue sources.

SEC. 16.111. FRANCHISES.

The Board of Supervisors shall have the power by ordinance to grant to any person, firm or corporation, any franchise, including any renewal, extension, transfer or amendment thereof, for the use of any public right-of-way or public place within the boundaries of the City for the purpose of providing services to customers. Franchises may be granted only by a competitive process. Each franchise shall contain a specific and definite termination date which shall not be more than 25 years after its first effective date.

SEC. 16.112. CITIZEN PARTICIPATION; PUBLIC NOTICES, HEARINGS
PUBLICATION OF AND ACCESS TO PUBLIC DOCUMENTS.

The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

Notice shall be published in a timely manner before any public hearing, and shall include a general description of said hearing.

Notice shall be given, and public hearings held before:

(a) Any facility used by the public, including but not limited to libraries and health facilities, shall be closed, eliminated, or its level of services reduced, or prior to the leasing, selling or transfer of management of said facility;

(b) Any significant change in the operating schedule or route of a street railway, bus line, trolley bud line or cable car line is adopted;

(c) Any fee, schedule of rates, charges or fares which affects the public is instituted or changed; should any such action be approved, the result shall also be noticed; or

(d) Any amendment to the general plan, change in zoning or change in land use is adopted.

In addition, notice shall be given for the following:

(e) Any sale, lease, rental, encumbrance or exchange of real property held by the City and County;

(f) Special assessment districts and protests of special assessment districts;

(g) Requests for bids or proposals for the purchase or lease of materials, supplies, equipment, services, construction.

work or improvements involving expenditure of \$50,000 or more; notice shall also be given after any such award is made; the Board may by ordinance reduce the dollar threshold for such notice; and

(h) Polling places and precinct officers for any election.

SEC. 16.113. SEVERABILITY.

If any provision of this Charter, or its application to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected.

SEC. 16.114. POWERS OF INQUIRY AND REVIEW.

The Mayor, the City Administrator, the Controller, or any board or commission appointed by the Mayor, relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operations and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. The Board of Supervisors shall have the same powers of inquiry and review, including the power to issue subpoenas and compel the production of evidence, with respect to matters affecting the conduct of any department or office of the City and County.

SEC. 16.115. HEADING AND CAPTIONS.

The headings and captions in this Charter shall have no bearing on the meaning of the text, which shall be the exclusive source for interpretation and construction.

SEC. 16.116. APPENDIX A -- EMPLOYMENT PROVISIONS.

The following sections of the Charter of 1932, as amended, shall remain in effect as a part of this Charter as "Appendix A -- Employment Provisions," except that in instance of conflict or inconsistency between these sections of the Charter of 1932 and the body of this Charter, this Charter shall prevail, and subject to the following limitations and amendments:

1. All references to sections of "the Charter" or "this Charter" shall be construed to refer to the Charter of 1932, as defined above;

2. All definitions or descriptions included through such references shall remain in force, unless in conflict or inconsistent with definitions or descriptions in this Charter, or unless amended by the Board of Supervisors; and

3. Effective upon adoption of this Charter, references to "wife," "surviving spouse," "widow" or "widower." shall be construed to include "spouse," or "surviving spouse."

The following sections from the Charter of 1932, as amended, shall be included in Appendix A with full force and effect, and each shall be designated with a prefix "A":

7.204	Contractors' Working Conditions
8.329	Certification of Eligibles
8.341	Removal or Discharge of Permanent, Non-Probationary Employees
8.342 - 8.344	Disciplinary Suspensions; Police and Fire Department Suspensions; Exoneration of Charges
8.345 - 8.346	Disciplinary Action-Strikes
8.364	Catastrophic Sick Leave
8.400 - 8.406	Salaries and Wages for Teachers, Muni, Police, Fire and Miscellaneous Employees
8.409 - 8.409-6	Collective Bargaining
8.410 - 8.411	Expenses
8.420 - 8.429	Health Service System Benefits
8.430 [1st ¶]	"Medical Care" Defined
8.431 - 8.432	Health Service System Benefits
8.440 - 8.441	Vacations
8.450 - 8.452	Hours and Tours of Duty
8.500 - 8.517	Retirement System
8.518 - 8.588-15	Retirement System
8.590-1 - 8.590-7	Collective Bargaining for Fire, Police and Airport Police

The provisions of Appendix A may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.117. APPENDIX B -- PORT AGREEMENTS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix B with full force and effect, and each shall be designated with a prefix "B":

3.581 - 3.585	Port Transfer Agreement
6.406	Harbor Revenues and Expenditures
7.305	Revenue Bonds of the Port Commission

The provisions of Appendix B may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.118. APPENDIX C -- ETHICS PROVISIONS.

The following sections of the Charter of 1932, as amended, shall be included in Appendix C with full force and effect, and each shall be designated with a prefix "C":

3.699-10 - 3.699-16	Ethics Commission Procedures
8.105	Conflict of Interest and Other Prohibited Practices

The provisions of Appendix C may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.119. APPENDIX D -- BUILDING INSPECTION PROVISIONS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix D with full force and effect, and each shall be designated with a prefix "D":

3.750 - 3.750-8	Department of Building Inspection
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The provisions of Appendix D may be amended only pursuant to the provisions of state law governing charter amendments.

Article XVII: Definitions

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of

government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean publication in an official newspaper (as defined by ordinance) ~~a public notice in the form and manner as shall be prescribed by ordinance, and shall include a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office contemporaneously with such public notice.~~

"Official misconduct" shall mean any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers.

"One-third", "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall mean published in an official newspaper of a newspaper of general circulation in the City and County.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

Article XVIII: Transition Provisions

SEC. 18.100. EFFECTIVE DATE OF THIS ARTICLE XVIII.

This Article XVIII shall take effect upon the filing of this Charter with the Secretary of State of the State of California. This Article, and each individual section, shall expire and go out of existence when the last act required to be done in this Article, or individual section, has been completed; and, thereafter, the Clerk of the Board of Supervisors shall secure its removal from the next printing of this Charter.

SEC. 18.101. OPERATIVE DATE OF THIS CHARTER;
EFFECT OF ENACTMENT ON EXISTING LAW.

This Charter shall be operative July 1, 1996, and on that date shall supersede the Charter of 1932. Any authority vested in the Mayor to remove commissioners and department heads not granted in the Charter of 1932 shall be effective July 1, 1997. All references in this Article to the "Charter of 1932" shall be to the Charter of 1932, as recodified in 1971, and as amended as of December 31, 1995.

To the extent the provisions of this Charter are the same in terms or in effect as provisions of the Charter of 1932, they shall be construed and applied as a continuation of those provisions.

All provisions of local law relating to or affecting the City and County in force when this Charter becomes operative are hereby repealed and superseded only to the extent they are inconsistent with the provisions of this Charter.

Any amendments to the Charter of 1932 adopted at the November 7, 1995, election shall be incorporated into this Charter and shall supersede any conflicting provisions, even if the amendments receive fewer votes than this Charter. The Clerk of the Board of Supervisors, in consultation with the City Attorney, shall conform the format and terminology of the amendments to this Charter.

In adopting this revised Charter, the voters do not intend to amend or otherwise affect the provisions of any initiative ordinance in effect on the date this revision is adopted, including the Initiative Refuse Collection and Disposal Ordinance, adopted November 8, 1932, as amended, except that the City Administrator and the General Manager of Public Utilities shall succeed to the functions of the Chief Administrative Officer and the Manager of Utilities, respectively, as specified in that Initiative Ordinance.

The Retirement Board shall continue to exercise powers of management and control of workers' compensation programs until those functions are transferred pursuant to previously adopted ordinances to the Department of Human Resources.

SEC. 18.102. OBLIGATIONS OF CONTRACT NOT IMPAIRED.

All rights, claims, actions, orders, obligations, proceedings, bond authorizations and contracts existing on the operative date of this Charter shall not be affected by the adoption of this Charter, except that where functions, powers and duties have been reassigned, the office, agency or department to which the assignment is made shall have charge of the matter.

SEC. 18.103. TRANSFER OF 1932 CHARTER SECTIONS
TO ORDINANCE AND INITIATIVE ORDINANCES.

The following sections of the Charter of 1932 shall be deemed enacted into ordinance and may be amended by the Board of Supervisors on the operative

date of this Charter; provided, however, that in the instance of conflict or inconsistency between the ordinance or a portion of the ordinance and this Charter, this Charter shall prevail:

1.103
2.101
2.203
2.203-3
3.100, paragraph 8, sentences 5-6
3.201
3.301 - 3.303, inclusive
3.402
3.501
3.502
3.523
3.529
3.531
3.533 - 3.535, inclusive
3.537 - 3.539, inclusive
3.540 - 3.547, inclusive
3.551 - 3.552
3.560
3.570 - 3.572, inclusive
3.590 - 3.599, inclusive
3.601
3.621 - 3.624, inclusive
3.631, 3.632, and 3.634
3.640 - 3.641, inclusive
3.642, second sentence only
3.680, third paragraph only
3.691 - 3.694, inclusive
3.698.1 - 3.698.3, inclusive
3.699-2
3.707
6.207
6.300 - 6.304, inclusive
6.306 - 6.310, inclusive
6.312 - 6.313
6.400 - 6.403, inclusive
6.407 - 6.408, inclusive
6.410
7.100 - 7.104, inclusive
7.200 - 7.203, inclusive
7.205 - 7.206, inclusive
7.304
7.306
7.308
7.400 - 7.405, inclusive
7.600 - 7.606, inclusive
7.701 - 7.703, inclusive
8.104
8.106
8.311
8.410 - 8.411
9.104, fifth paragraph only
9.113 - 9.115, inclusive

Ordinances and policy declarations adopted by the voters shall not be published as part of this Charter, in an appendix or otherwise, but shall be published as provided in this Charter for other ordinances, and shall be included in any codification of ordinances as provided in this Charter and be designated as initiative ordinances.

SEC. 18.104. TRANSFER OF FUNCTIONS, POWERS AND DUTIES.

On the operative date of this Charter, all offices, agencies and departments of the City and County then in existence under the Charter of 1932 shall continue to perform their functions, exercise their authority and fulfill their responsibilities, as they existed immediately before this Charter's becoming operative subject to the provisions of this Article. Not later than 90 days after the operative date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The Board of Supervisors and the Mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.

SEC. 18.105. CHANGES IN OFFICES AND POSITIONS.

The Chief Administrative Officer and the Controller serving on November 7, 1995, shall be appointed to the offices, respectively, of City Administrator and Controller. These offices shall have the functions, powers and duties assigned by this Charter, and their initial terms of office in effect immediately prior to the date of this Charter shall remain unchanged, except that the term of office of the City Administrator shall be five years from the incumbent's appointment as Chief Administrative Officer.

The Clerk of the Board of Supervisors serving on November 7, 1995, shall be appointed as Clerk of the Board of Supervisors. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The Secretary-General Manager of the Retirement System serving on November 7, 1995, shall succeed to the position of executive director. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The General Manager of the Department of Social Services shall succeed to the position of executive director of the Department of Human Services.

The offices of Assessor and Recorder shall be consolidated no earlier than July 1, 1997. Prior to that date, the functions, powers and duties of the Recorder shall continue to be performed by the Recorder-County Clerk, as that office is established in the Charter of 1932. After July 1, 1997, the functions, powers and duties of the County Clerk shall be transferred to the City Administrator and the functions, powers and duties of the Recorder shall be transferred to the Assessor-Recorder. The person holding office as Recorder-County Clerk at the time of the transfer shall become a deputy

department head to the Assessor-Recorder, and shall maintain his or her classified status.

The Social Services Commission shall succeed to the Human Services Commission.

On the operative date of this Charter, the City Administrator ~~Chief Administrative Officer~~ shall be responsible for the following functions until they are reassigned by the Mayor, with approval by the Board of Supervisors, or by operation of this Charter: Departments of Public Works, Government Services, Purchasing, Real Estate, Electricity and Telecommunication, Public Guardian, Convention Facilities, Animal Control, County Clerk/Recorder, County Agriculture, Weights and Measures and Registrar of Voters/Department of Elections; Medical Examiner; and all projects previously assigned by ordinance to the Chief Administrative Office, including but not limited to: George R. Moscone Center Project, Clean Water program, Publicity and Advertising Fund, Risk Management, Beautification project, EIPSC, Waterfront project and Solid Waste Management.

SEC. 18.106. OFFICIAL FIDELITY BONDS.

The Board of Supervisors shall determine the initial fidelity bond requirements under this Charter within 90 days after the operative date of this Charter. Until the Board of Supervisors determines such requirements for officials of the City and County, the bonds existing on the operative date of this Charter shall be maintained.

SEC. 18.107. RULES, REGULATIONS AND ADMINISTRATIVE CODE.

Each officer, department, agency, board and commission responsible for rules and regulations of the City and County under this Charter shall, within 90 days of the operative date of this Charter, review all rules and regulations for which it is responsible and amend and adopt rules and regulations consistent with this Charter.

SEC. 18.108. STATUS OF INCUMBENT OFFICERS AND EMPLOYEES.

The changes in and transfers of functions, powers and duties which occur at the time this Charter becomes operative shall not affect or impair the rights or privileges of permanent civil service officers or employees of the City and County relating to appointment, rank, grade, compensation, tenure of office, promotion, discipline, removal, pensions and retirement, except as provided in this Charter.

Whenever a position previously within the classified municipal civil service is, pursuant to this Charter, designated exempt from the civil service provisions of this Charter, the permanent civil service incumbent in such position at the time this Charter becomes operative shall continue to have civil service status in that position under the civil service provisions of this Charter.

If by the terms of this Charter, or action taken by authority of this Charter:

1. All or substantially all of the duties of any position exempt from the civil service provisions of the Charter of 1932 are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the person holding the position on the operative date of this Charter shall be transferred with the position.

2. All or substantially all of the duties of any civil service position are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the permanent civil service appointee holding the position on the operative date of this Charter shall be transferred with the position.

SEC. 18.109. EXEMPT POSITIONS.

The Board of Supervisors and the Mayor, through the budget for the fiscal year ending June 30, 1996, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.

SEC. 18.110. PROVISIONAL APPOINTMENTS.

Unless their appointments are renewed pursuant to the provisions of Section 10.105, the employment of all provisional employees, appointed under the Charter of 1932, whose appointment does not meet the provisions of this Charter, shall be terminated within three years of the operative date of this Charter in accordance with the rules and regulations governing layoffs. Such provisional employees may qualify for certification as eligibles under rules and regulations expressly authorized by civil service rules approved by the Board of Supervisors. Such rules may establish special credit for civil service examinations for years of service or, through other methods, recognize the service of such employees who have held such employment for more than six months at the operative date of this Charter.

SEC. 18.111. ASIAN ART MUSEUM STATUS.

During such time as the Asian Art Museum is located in a wing of the M. H. de Young Memorial Museum, the Commission shall control and manage the collections housed in that wing as provided for in the July 2, 1969 Management Agreement between the Committee of Asian Art and Culture and the Board of Trustees of the de Young Museum, a copy of which is on file with the Clerk of the Board of Supervisors.

SEC. 18.112. PREPARATION AND INDEXING OF THIS CHARTER.

The City Attorney shall correct typographical errors and prepare an index prior to the operative date and publication of this Charter.

SEC. 18.113. MISSION-DRIVEN BUDGET PHASE-IN.

The mission-driven budget process shall be phased in over a three year period with the Mayor identifying for each of the three years approximately one-third of the City departments that shall thenceforth be required to comply with the requirements of Sections 9.114, 9.115 and 9.116.

SEC. 18.114. COMMISSION TERMS.

Whenever a new board or commission is created in this Charter, or additional members are added to an existing board or commission, the Mayor shall appoint the initial members to staggered terms.



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